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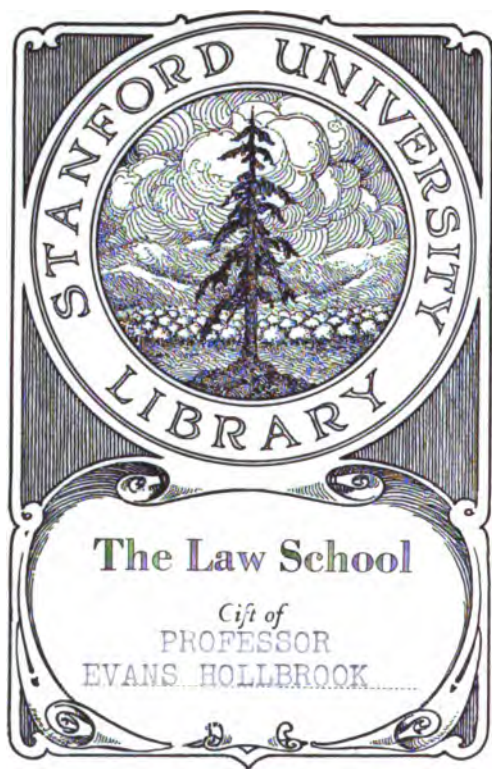
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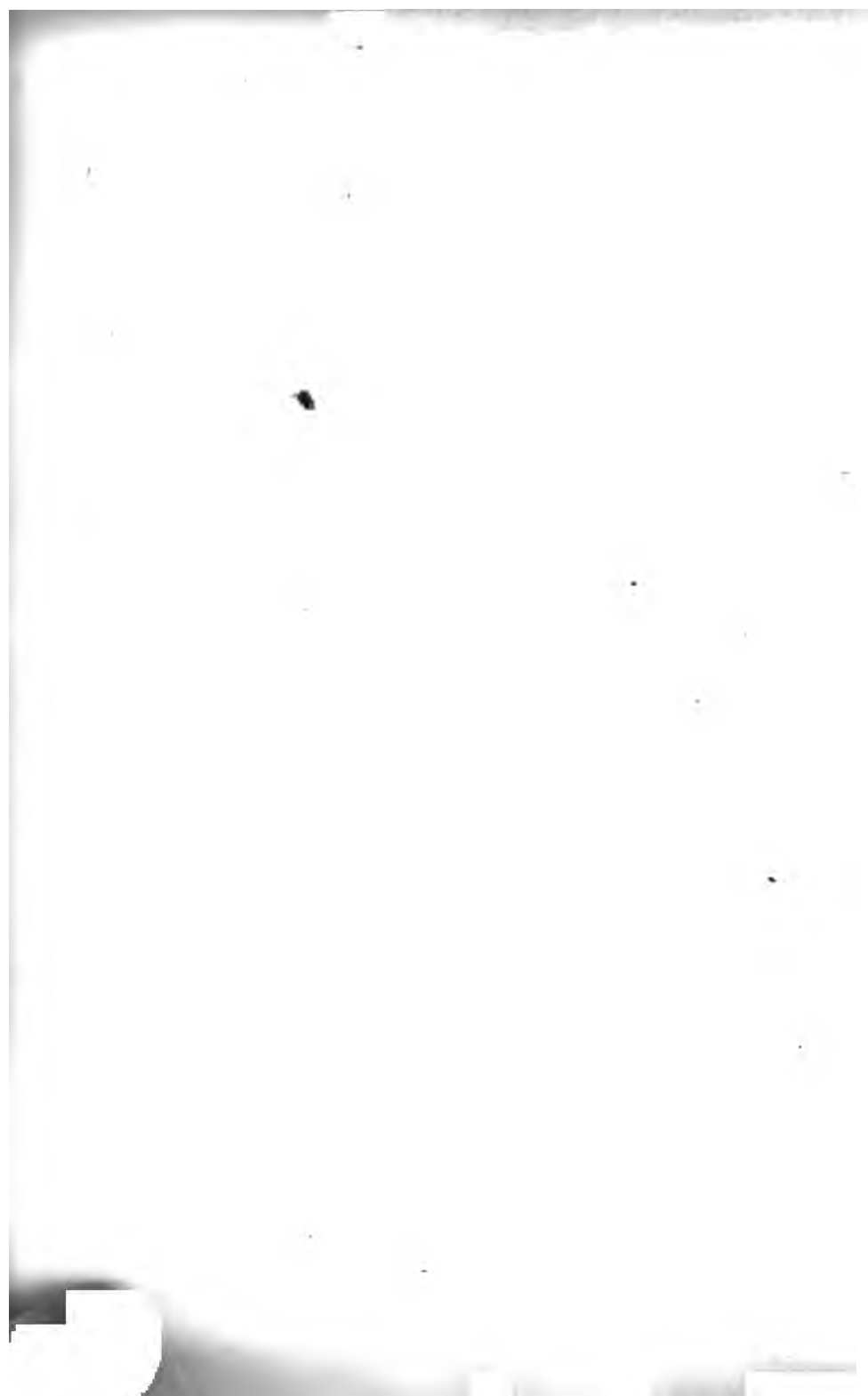
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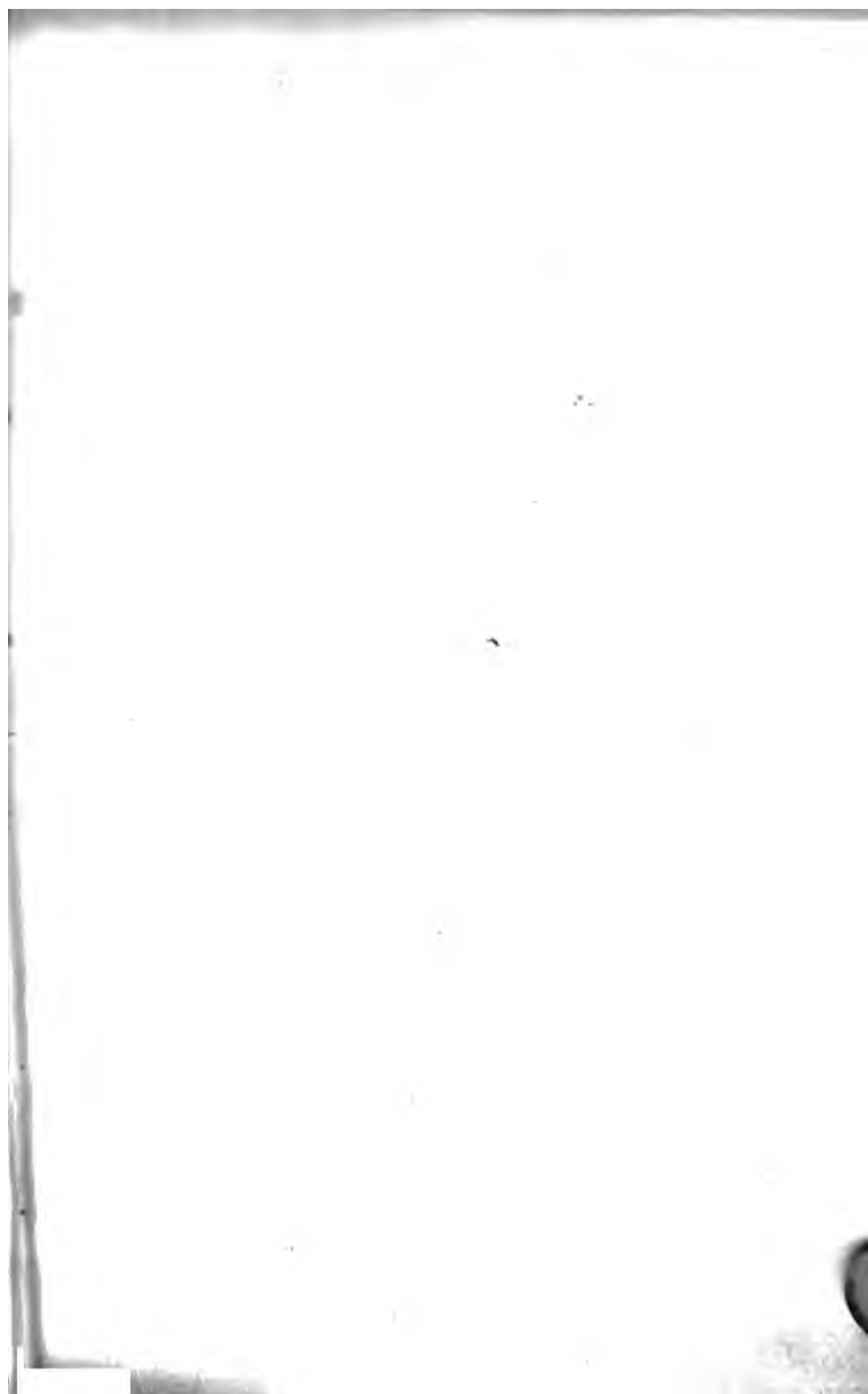
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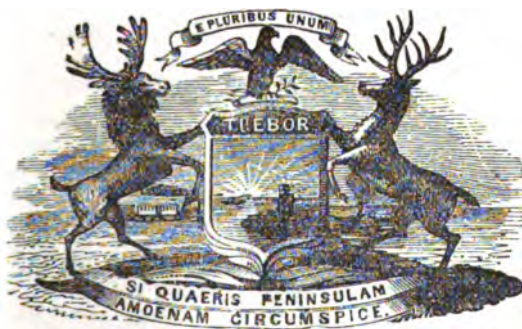
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
REGULAR SESSION OF 1869.

VOL. III.



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AN ACT to repeal act number thirty, of session laws of eighteen hundred and sixty-four, entitled "An act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches, from Muir, in Ionia county, to north line of Isabella county."

SECTION 1. *The People of the State of Michigan enact, That* ^{Act repealed.} act thirty, of session laws of eighteen hundred and sixty-four, entitled "An act to provide for the drainage and reclamation of swamp lands by means of roads and ditches, from Muir, in Ionia county, to the north line of Isabella county," be and the same is hereby repealed.

Approved March 30, 1869.

[No. 364.]

AN ACT to amend an act entitled "An act to incorporate the city of Pontiac," approved March fifteenth, eighteen hundred and sixty-one, and to add two new sections thereto.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections amended} sections twenty-two, twenty-five, twenty-nine, fifty-nine, sixty, sixty-seven, and one hundred and twenty-three of an act entitled "An act to incorporate the city of Pontiac," approved March fifteenth, eighteen hundred and sixty-one, be and the same are hereby so amended as to read as follows:

Sec. 22. All officers elected as hereinbefore provided, shall ^{When officers shall enter upon duties.} enter upon the duties of their respective offices on the second Wednesday following such election, unless otherwise herein provided.

Sec. 25. In case a vacancy shall occur in any of the offices in ^{Vacancies; how filled.} this act declared to be elective or appointive, except alderman, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer so appointed to

fill a vacancy, shall hold, by virtue of such appointment, for the unexpired term of the office to which he shall be appointed.

Clerk to give council a list of persons elected.

Sec. 29. At the expiration of five days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the said common council a list of the persons elected or appointed, specifying the office to which they are chosen therein.

Annual statement of common council.

Sec. 59. On the third Tuesday in the month of March, in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and which shall not have been audited previously; and shall make out a statement in detail, of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the object and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes, and assessments for opening, paving, planking, graveling, repairing, altering and grading streets, and building and repairing bridges; the amount of money borrowed on the credit of the city, and the terms on which the same were obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

By whom to be signed.

Sec. 60. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; the same shall be published by the clerk, at the expense of the city, in some newspaper thereof, to be designated by the common council, if they shall elect, previous to the first day of April thereafter.

Where published.

Treasurer to keep all moneys.

Sec. 67. The treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct. All moneys drawn from the treasury shall be drawn in

pursuance of an order of the common council, by warrant signed by the clerk and countersigned by the mayor. Such warrant shall specify for what purpose the amount named therein is to be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, all orders drawn upon the treasury, in a check book to be kept by him for that purpose. The books and accounts of the treasurer shall be, at all reasonable hours, open to the inspection of any elector of said city; the treasurer shall exhibit to the common council on the third Tuesday in the month of March in each year, a full and fair account of the receipts and expenditures since and after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct, shall be filed and published in the same manner as provided for in section sixty of this act.

Books and accounts of, to be open for inspection
To make report.

Sec. 123. The supervisors of each ward of said city shall, on or before the first day of May in each year, furnish the common council with a list subscribed by them, of the names of all the inhabitants of each ward who are liable to be assessed for poll taxes.

Poll-tax.

Sec. 2. That said act of incorporation be and the same is hereby further amended by adding two new sections thereto, to stand as sections one hundred and eighty-five and one hundred and eighty-six, and to read as follows:

Sections added.

Sec. 185. All bridges over the Clinton river, and elsewhere within the limits of said city of Pontiac, shall be built and kept in repair by and at the expense of said city. The common council of said city is hereby authorized to levy, assess and collect, in addition to all other taxes, a sufficient amount of tax annually, for the purpose of building and keeping in repair the bridges aforesaid, which tax shall be known and designated as "bridge tax," and shall be used for the purpose of building and keeping in repair the bridges aforesaid in said city, and for no other purpose whatsoever; and the same shall be assessed, levied and collected the same as other city taxes.

Bridge taxes; how raised.

Council authorized to
issue bonds.

Sec. 186. For the purpose of funding the present indebtedness of said city, the common council thereof is hereby authorized to issue bonds to the amount of said present indebtedness; said bonds to be issued at not less than their par value, to draw interest from their date at not more than seven per cent. per annum, and to be payable at any time or times within ten years from date, as said common council shall determine.

Sec. 3. This act shall take immediate effect.

Approved March 30, 1869.

[No. 365.]

AN ACT to revise the charter of the village of Chelsea.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situated in the county of Washtenaw, and State of Michigan, being in township two south, of range three east, and described as follows, viz: Section twelve, be and the same is hereby constituted a village corporate, by the name of the village of Chelsea.

Elections.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall meet at basement of Taylor & Bro.'s store, in said village, on the second Monday of April next, and on the second Monday of April annually, thereafter, at such place as shall be provided in the by-laws of said village, and there, by ballot, shall elect, by plurality of votes, one person to be president of said village, and three persons shall in like manner be elected trustees for one year, and three for two years, and one person shall be elected clerk, and one person shall be elected assessor, and three persons as street commissioners, and one person shall be elected marshal, and one person also shall be elected treasurer; and annually thereafter a president, clerk, assessor, three street commissioners, marshal, and treasurer shall be elected as aforesaid, who shall hold their respective offices for one year; and

Officers and
terms of
office.

three trustees shall be elected who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election; the president and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tem.*, who shall have all the powers and perform all the duties of president.

Failure to hold election not to dissolve corporation.

Village board.

Duty of president.

Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon, and at the close of the polls, the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Notice of time and place of holding election.

Polls; when to be open'd and closed.

Sec. 4. Any two of the trustees may be judges of the election, and the clerk of the village or his substitute shall be the clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honorably discharge their duties as judges or clerk of the election, and said board shall have power to pre-

Judges and clerk of election.

Oaths of.

serve the purity of the election as is now or may be hereafter given to township boards of election.

Officers to
take oath.

Sec. 5. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States, and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk.

Body cor-
porate and
politic.

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with the same power as township boards in addition to those granted by this act, under the name of president and trustees of the village of Chelsea; and may have a common seal, which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president or any one of the trustees of the village, at least six days before the return day thereof.

President
and trustees
may pass
laws relative
to—

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure for the following purposes, viz:

Village
officers.

For the appointment of a fire warden, and prescribing his duties, and such other officers for said village as they may deem necessary, and also, such as they may deem necessary and right for the maintenance and preservation of the public places, property, and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunk-

Police.

Riots.

Fire
department.

Vagrants.

ards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have the exclusive power and authority to license such persons as tavern keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and punish immoderate riding or driving in the streets; to abate, prevent, and remove nuisances; to suppress all disorderly houses and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes, alleys, parks, and public grounds; to compel the owners or occupants of lots to clean sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons and fire-works; to construct and regulate markets, the vending of poultry, meat, vegetables, fruit and fish; to regulate the sale of hay, wood, lime, lumber, and coal; to regulate the gauging of vessels containing liquor, the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese and other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding five hundred dollars in any one year; to establish wells and cisterns, and prevent the waste of water; to prevent bathing

Gaming
houses.

Tavern
keepers.

Liquors.

Fast driving.

Houses of
ill-fame.

Obstructions
on streets.

Gunpowder

Markets.

Weights and
measures.
Pounds.

Dogs.

Cartmen.

Hydraulic
works.

Wells and
cisterns.



Cemeteries.	in the public streams; to purchase grounds for, and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use, for burial purposes, of any burial ground or cemetery to be discontinued, whenever they may deem the same necessary for the best interests or health of the citizens; to ascertain, establish, and settle the boundaries of all streets and alleys, and to establish grades therefor; also, to order and cause the same to be drained or filled up, and to assess the cost and expense on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them; and to cause each building occupied as a house, store or shop, to be provided with fire-buckets and ladders; to establish fire limits within which no wooden building shall be built, enlarged or placed without consent of the common council; to regulate party-walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith-shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or repairing them; the cost and expense of repairing sidewalks, grading the walks, streets and alleys, the paving or planking, to be paid by assessments on the lot in front of, or adjoining which either or all of such improvements shall be made: <i>Provided</i> ,
Boundaries of streets.	
Building lines.	
Unsafe buildings.	
Fire engines.	
Fire limits	
Hazardous buildings.	
Setting of shade trees.	
Grading walks.	
Proviso.	<i>That so much money belonging to the highway fund of said village as the president and trustees may direct, may be expended for grading: And provided further, That not more than one per cent. on the assessed value of any lot shall be collected</i>
Ibid.	

in any one year for such purpose; to construct and keep in re-^{Sewers.}
 pair the public highways, bridges, culverts and sewers; to lay
 out new streets and alleys, and to extend those already laid out,
 under the restrictions provided in this act; to vacate streets
 and alleys; to prescribe the levying and collection of the highway^{Highway}
 and other taxes; to provide for taking a census whenever they^{taxes.}
 shall see fit; to regulate theatres, shows and concerts; to regu-^{Shows.}
 late and tax, at their discretion, auctioneers, or auction sales, Peddlers.
 gift enterprises, hawkers, hucksters, peddlers, and pawn-bro-
 kers; to regulate the covering of mill-races, at the expense of^{Mill-races.}
 the owners thereof; to rail and curb, when necessary, all walks,
 at the expense of the owners of the adjoining lots; to levy^{Levying}
 taxes on all personal and real estate within the limits of the^{taxes.}
 village, except property belonging to the village, town, county
 or State, excepting also places of public worship belonging to
 any church or congregation, and all grounds and buildings
 used exclusively for educational purposes; to take the land of^{Taking pri-}
 any individual for the purpose of constructing, widening, or ex-^{rate prop-}
 tending streets, lanes, alleys, drains or sewers, but not until^{erty for}
 such individual shall be paid the value thereof, and all build-
 ings thereon, and all the damages he will sustain, as provided
 for in this act; for the violation of any by-laws, rules and regu-^{Fines and}
 lations, such reasonable penalties may be imposed as the presi-^{penalties.}
 dent and trustees may deem proper; and when any fine or pen-
 alty shall not exceed one hundred dollars, the same may be re-
 covered before any justice of the peace in the township of
 Sylvan; and any interest the inhabitants of the village of Chelsea
 may have in the fine or penalty to be recovered, shall not disqualify
 any inhabitant of said village to try said cause, or serve as a juror
 or witness therein: *Provided*, That such interest be only that^{Proviso.}
 which is common with the citizens of said village; and the cir-
 cuit court of the county of Washtenaw shall have appellate
 jurisdiction to try and determine all causes brought for the
 recovery of any fine or penalty imposed by said by-laws.

Sec. 8. All taxes levied upon real estate, and all assessments^{Taxes to}
 made thereon, for opening, widening, extending, paving, grad-^{remain a lien}
 on real estate

ing, planking or repairing a street or alley, or making or repairing sidewalks, and all highway taxes, shall be and remain a lien upon said estate until the same are paid.

Annual
statement.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published, in some newspaper printed in said village, if one shall be printed therein, and if one is not printed therein, then to post up on the door of the building where the last annual election was held in said village, a true statement, exhibiting in detail, all items of receipts and expenditures of the preceding year.

Time when
ordinance
shall take
effect.

Sec. 10. No by-law or ordinance of said corporation shall have any effect until the same shall have been published a least once a week for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication, in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, in which the same was published, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation shall be *prima facie* evidence of such publication.

Assessment
roll; con-
tents of.

Sec. 11. The assessor of said village shall, once in each year, make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants, or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the president and trustees once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be

Notice of
time for re-
viewing.

heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed; after the expiration of the said ten days, the assessor and the president and trustees shall within thirty days proceed to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect, from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names as a tax or assessment, and authorize him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the general list, notice being given of the review of said assessment, as herein provided.

Completion of, and delivery to marshal.

Distress and sale; when authorized.

Special assessment to be legal.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels, on demand; and in case the marshal shall

Power of marshal to sell private property.

Surplus to be returned to owner.



be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same.

Unpaid
taxes; how
collected.

Sec. 13. The tax upon real estate, with all the assessments for the purposes named in the eighth section of this act, shall be put down in the assessment roll by itself, in a column; and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided for in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per cent. per annum until paid, shall remain unpaid for one year from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment, and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessment and interest, together with all taxes thereon, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Notice of
sale.

Proceedings
on day of
sale.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon aforesaid; and

Certificate of
purchase.

the said treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and

Conveyance.

unless within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together

with the interest thereon, at the rate of twenty per centum per annum, from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: *Pro-Provido*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to the provisions of this act; and the said conveyance shall be *prima facie* evidence that the sale was regular When may be used as evidence. according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded, and shall have the same force and effect.

Sec. 15. The treasurer of said village shall receive the same Compensation of treasurer. fees, in cases of sale, as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising any land for sale in pursuance of this act shall, by the treasurer, be added to such taxes respectively, as are charged upon land advertised for delinquent State and county taxes.

Sec. 16. No money shall be drawn from the treasury except Money; how drawn. by appropriation of the president and trustees; and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Sec. 17. No member of the board of trustees, during his continuance in such office, shall become security for the performance Trustees not to become security, or interested in any contract of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indi-

rectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Highway
fund; how
kept.

Sec. 18. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

Appointed
officers.

Sec. 19. No officer appointed by the president and trustees shall hold his office for more than one year, or until his successor is appointed; and the president and trustees may require of the marshal and treasurer, and all the appointed officers, or any of them, security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the president and trustees and their successors in office; and a suit may be brought for any breach of said bond, in the name of the president and trustees of said village, as in other cases, before any justice of the peace or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Bonds of.

Suits
against; how
brought.

Marshal;
powers and
duties of.

To be chief
of police.

To arrest
disorderly
persons.

To compel
aid at fires.

Proviso.

Sec. 20. The marshal shall have the general supervision of the village, and see that all the laws are enforced, and by virtue of his office, shall be high constable and chief of police, with the power belonging to any constable of any township, having power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Sylvan, who shall hear, try and determine the matter, upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the

peace in civil cases, nor in criminal cases for the violation of any general law of the State.

Sec. 21. The marshal and clerk shall at all times be subject to the supervision and control of the president and trustees, in the discharge of their official duties, and either of them may be removed from office by a majority of the whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the causes of such removal shall in all cases be made a matter of record by them.

Sec. 22. A vacancy in the office of marshal or clerk, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees; and any vacancy in the office of assessor, street commissioner, treasurer, or in the number of trustees shall be filled in the same manner.

Sec. 23. The president and trustees shall not receive any compensation for their services; the marshal, clerk, assessor, treasurer, and appointed officers, shall each receive such compensation as the president and trustees shall direct.

Sec. 24. The president and trustees shall have power to erect and maintain in said village a village prison, and any person arrested for a violation of this act, or of any by-law or ordinance of said village, or of any law of the State, may be imprisoned in said village prison during the time that shall elapse between the time of arrest and the time of trial or examination; and the president and trustees shall have power to make all necessary rules and regulations for the government of said prison, and to appoint a keeper thereof; the corporation shall be allowed the use of the common jail of the county of Washtenaw for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation; and all persons committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment.

Firemen ex-
empt from
poll tax and
jury service.

Sec. 25. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such by-laws and ordinances as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and compel the assistance of the citizens to aid in extinguishing any fire.

Trustees to
be commis-
sioners of
highways.

Sec. 26. The president and trustees shall be the commissioners of streets and highways, and within the limits of the village shall have the same power, and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, and shall cause a tax to be levied and collected, as taxes usually are for constructing and repairing roads in the different townships, and shall have exclusive control of the highway moneys levied and collected in the village: *Provided*, That their power to order

To control
highway
money.

Proviso.

fences to be removed, and to remove such fences themselves, and to open, widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Sylvan, for the repairing, building, or rebuilding of any bridge within said township, or for any special expenditure for laying out, opening, working or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in proper repair; and all bridges within the corporate limits of said corporation shall be kept in repair, and be under the care and supervision of the commissioners of highways of the township, at the expense of the township of Sylvan.

Ibid.

Sec. 27. Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains, or sewers, within the limits of said village, the president and trustees shall give notice thereof to the owners or parties interested, or his, her, or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of said president and trustees for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Sylvan to issue a *venire facias*, to command the marshal of said village, or any constable of said county to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises, which jury, being first duly sworn by said justice, faithfully and impartially to inquire into the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds and premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, drain or sewer, or highway shall be made, opened or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes

Proceedings
when private
lands are
taken for
public use.

Notice to
owner.

Trustees to
treat with
owner.

Summoning
of jury.

Jury to
award
damages.

Compensat'n
tendered to
owner.

Proviso. aforesaid: *Provided*, That the president and trustees, or any party claiming damages, as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her, or their intention so to do, to the said justice, in writing, within ten days; or, in case of the absence of said party from said village, (at the time of the rendition of the verdict,) then within thirty days after the verdict of said jury and the judgment of said justice, as aforesaid, said appellant first giving bond, with two sufficient sureties, to be approved by the justice, conditioned to pay all costs which may be awarded against him in said circuit court; upon the filing of a transcript of the proceedings, aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed before the justice at least twenty-five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Ibid.

License money to be paid to treasurer.

Sec. 28. All moneys received for licenses granted to tavern-keepers or common victualers, under the provisions of this act shall be paid to the treasurer of the village, to be credited as other licenses.

Present laws to remain in force.

Sec. 29. All by-laws and ordinances of said village now in force in said village, not conflicting with this act or the laws of this State are hereby declared binding and legal until altered or repealed by the president and trustees to be elected under this act; and all rights accrued under or by virtue of said by-laws or ordinances, to said village, or to private individuals, shall be and remain in full force and effect, and all rights and benefits accruing to said village or to private citizens thereof, by virtue of, or through or under the original charter of said village, are hereby saved to said village and citizens respectively.

Village prison tax.

Sec. 30. The said president and trustees shall have power to levy and collect a tax in the same manner as other taxes are for

general purposes, to be levied and collected by virtue of this act, for the purpose of building and keeping in repair said village prison, not to exceed five hundred dollars in any one year.

Sec. 31. This act shall be favorably construed and received ^{Public act.} in all the courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence without further proof.

Sec. 32. No person shall be eligible to any office in this cor- ^{who eligible} poration unless he shall have resided in said village six months ^{to office.} next preceding his election, and shall be entitled to vote therein.

Sec. 33. This act shall take immediate effect.

Approved March 30, 1869.

[No. 366.]

AN ACT to revise the charter of the village of Wayland.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} so much of the township of Wayland, in the county of Allegan, as is embraced in the following described lands, to wit: The west half of section five, the entire of section six, the north half of the north half of section seven, the north half of the north half of the north-west quarter of section eight, and so much of the township of Leighton as is embraced in the south half of section thirty-one, and the south-west quarter of section thirty-two, be and the same is hereby constituted a village corporate under the name of the village of Wayland.

Sec. 2. The elective officers of said village shall consist of ^{Officers;} one president, six trustees, one recorder, one treasurer, one ^{when and} marshal, one assessor, to be elected annually on the last Mon- ^{where} day of March, and said officers shall hold said offices until ^{elected.} their successors are duly elected and qualified. Said officers ^{Terms of} shall be elected by a plurality of votes by ballot, of the inhab- ^{office.} itants of said village having the qualifications of electors under

Proviso. the constitution of this State: *Provided*, That if an election of such officers shall not be made on said last Monday of March, it shall be lawful to hold such election at any time, by giving notice thereof as provided in this act. In case a vacancy should occur in any elective office, the same shall be filled by special election of the voters, the same as at annual elections.

**Vacancies;
how filled.**

**Inspectors
and clerk of
election.**

Sec. 3. At each and every election the common council, or any three of them, shall be the board of inspectors thereof, and the recorder shall be the clerk of such board.

**Compensat'n
of inspectors**

Sec. 4. The president and trustees shall receive the same compensation, when acting as inspectors, as is allowed by law to inspectors of elections in the several townships of this State for services as inspectors of township elections.

**Time of
opening and
closing polls.**

Sec. 5. The polls of all elections under this act shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of said day, and no longer; and all the laws of this State in relation to the election of town officers, canvass of votes, certifying the election of officers, and notifying them of their election, shall apply to any and all elections in said village, so far as the same may be applicable and not inconsistent with the provisions of this act.

**Election;
rules of.**

**Officers to
take oath.**

All officers elected under this act shall, before entering upon their respective duties, take and subscribe the oath of office, as provided for township officers, before any officer authorized to administer oaths. It shall be the duty of the recorder to give ten days' public notice in writing, by posting the same in three public places in said village, of the time and place of holding all elections, both annual and special, in said village; and no person shall be permitted to vote at any such election unless he shall have been a resident of said village for ten days next immediately preceding the day of such election.

**Recorder to
give notice
of election.**

**Body cor-
porate and
politic.**

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of Wayland, and by that name they and their successors in office shall be known in law, and by such name

shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever; and may have a common seal, and may alter and change the same at pleasure; and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying, and disposing of any real or personal estate for the use and benefit of said corporation.

Sec. 7. The common council shall have power to appoint a street commissioner, pound master, fire warden, and such other officers necessary under the provisions of this act, for said village, whose elections are not herein provided for; to require of them such bonds for the faithful discharge of their duties as they may deem necessary, and to dismiss them at pleasure; the officers so appointed shall, before entering upon the duties of their office, take and subscribe the same oath of office as required for the elective officers, before the president or recorder, who are hereby authorized to administer the same.

Common council to appoint certain officers.

To require bonds of.

Sec. 8. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village. It shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions, and regulations of the common council to be observed and executed, and to exercise supervision and control over the conduct of all such officers as may be appointed by the common council, and to examine all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be resolved upon by them, and in general, to maintain the peace and good order, and advance the prosperity of the village; and whenever, in his opinion, the peace and safety of the inhabitants of the village require it, he may at any time appoint one or more policemen or watchmen, who shall be

Officers; powers and duties of.

President to see that all officers perform their duties.

To recommend measures to common council.

To appoint policemen, etc.



conservators of the peace, and who shall have the same power to make arrests and suppress disturbances as is conferred by this act upon the village marshal.

Recorder to keep books and papers.

To attend meetings of council.

To keep account of expenditures

Treasurer to keep all moneys.

To make statements of receipts and expenditures.

Marshal to be chief of police.

Provided.

Sec. 9. The village recorder shall keep all the books and papers, and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in the proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account, in books provided for such purpose, under appropriate heads, of all expenditures, and of all orders drawn upon the village treasury, which account shall specify the purposes for which such orders were drawn.

Sec. 10. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder, and countersigned by the president; and he shall exhibit to the common council, as often and for such periods as they may require, a full and detailed account of all receipts and expenditures, and shall also, when so required, exhibit a general statement, showing the financial condition of the treasury, and all other matters relating to his office.

Sec. 11. The village marshal shall be chief of police of the village, and he shall see that the laws are enforced; it shall be his duty to collect village taxes, to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by law on constables elected in townships: *Provided*, This power shall not be construed into his serving civil processes issued by justices of the peace, nor criminal processes issued for the violation of any law of this State; he shall have power and authority, and it

shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act, or the by-laws and ordinances of the village, and to take such persons before any justice of the peace of the town of Wayland, to be dealt with as the laws and ordinances of said village shall provide, and may apprehend and imprison any person found drunk in the streets of said village until such person shall become sober, and he shall have power to enter into any disorderly or gaming house, or any other building where he may have reason to believe that a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance, in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary.

To arrest offenders.

To enter disorderly houses.

Sec. 12. The treasurer and marshal shall respectively, before entering upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them as the common council shall direct and determine.

Treasurer and marshal to give security.

Sec. 13. The president and trustees, when assembled and duly organized, shall constitute the common council of the village of Wayland, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may from time to time appoint. In the proceedings of the common council, each member present shall have one vote, and when there shall be a tie the president shall give the casting vote.

Common council; who to constitute

When shall hold its meetings.

Sec. 14. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management, control and supervision of the highways, streets, lanes, alleys, parks and public grounds in said village, with full power to lay out, alter, vacate and construct all streets, highways and bridges; and the said common council are hereby

To have control of streets, etc.



May collect
a poll tax.

May pass
laws relative
to—

Vice.

Riots.

Vagrants.

Houses of
ill-fame.

Gaming.

Liquors.

Auctions.

Peddling.

vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village, as they may deem proper and necessary to be performed upon the streets, highways and bridges in said village, and for that purpose are hereby vested with the same power given by law to the commissioners of highways, and may levy a poll tax, not exceeding one dollar, upon each person liable therefor by the laws of this State, and may provide for commutation therefor, at any sum not exceeding one dollar for each day's labor assessed; and may make ordinances providing for the return of such taxes assessed or unpaid on real estate, not occupied by the owners thereof, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner as other taxes are levied and sold under this act; and further, they shall have power, within said village, to enact, ordain, make, continue, establish, modify, amend and repeal such ordinances, by-laws, and regulations as they may deem desirable and proper, within said village, in relation to and for the following purposes: To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain, apprehend and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places; to suppress and restrain all disorderly houses and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain, regulate and suppress billiard tables and bowling alleys; to prevent and regulate the selling or giving away of any spirituous or fermented liquors; to prevent and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law; to license and regulate auctioneers, peddlers and pawn-brokers, and auctions and hawking and peddling, and to license and regulate the peddling and sale of jewelry, goods, and merchandise, and other property, by hand, hand-cart,

show-case, show-stands or otherwise, in the public streets; to Concerts prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatricals, exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Saloons. Sabbath, and to require all saloons, drinking-houses, shops, and other places of business, to be closed on the Sabbath day, and at reasonable hours of the night on week days; to prevent, prohibit, abate and remove all nuisances in said village, and Nuisances. punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of the village, at the expense of the persons creating or continuing the same; to compel the owner or occupant of any grocery, Groceries, etc. tallow-chandler shop, soap or candle factory, butcher-shop or stall, slaughter-house, stable, barn, cellar, privy, yard, hog-pen, manure pile, sewer, or other offensive, nauseous or unwholesome place, house or thing, to cleanse, remove or abate the same whenever the common council shall deem it necessary for the health, comfort or convenience of the inhabitants of said village; to direct the location and regulation of all slaughter- Slaughter houses. houses in said village, and to prohibit their location within said village; to regulate, restrain, and prohibit the location of shops, Hazardous occupations. and the carrying on of mechanical and other trades and vocations which the common council may deem dangerous or injurious, in such places and parts of said village as the common council may designate; to regulate the buying, selling and Gunpowder. using of gunpowder, fire-crackers and fire-works, and other combustible materials; to regulate and prohibit the exhibition Fireworks. of fire-works, and the discharge of fire-crackers and fire-arms, and to restrain the making and lighting of fires in the streets and other open spaces in said village; to prevent the incum- Streets. bering or obstructing of streets, sidewalks, cross-walks, lanes, alleys, gutters, sewers, water-courses, bridges and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent



Shade trees.	thereto, of snow, ice, dirt, and every incumbrance whatever; to regulate and require the setting of shade trees in the streets of the village; to authorize, prohibit, and regulate the setting of hitching posts in the streets, lanes and alleys, and to cause the same to be taken up and removed; to authorize, prohibit, and regulate the building and placing of awnings, sign-boards, and other things, the whole or any part of which occupy or project within the limits of any street, lane, or alley, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same; to provide against horse-racing, and immoderate driving or riding in any street, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving; to establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep, and other animals, and of geese and other poultry, in the streets and public places of said village, and to authorize the taking up, impounding, and sale of the same, for the penalty incurred, and the cost of keeping and impounding, and to punish for rescuing the same, before all costs and charges are paid; to regulate the ringing of bells and the crying of goods, and to prevent disturbing noises and obscene and profane language in the streets; to provide burial places, and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tomb-stones, trees, shrubbery, property, ornaments, improvements, grounds, and fences in and around any cemetery in said village or belonging thereto; to regulate and establish the line upon which buildings may be erected upon any street, lane, or alley; to establish and regulate markets; to regulate the vending of meats, vegetables, fruits, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber, and coal; to license all drays and omnibuses, hacks, and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to prescribe the rates of fare and charges for the same; to
Awnings.	
Horse-racing	
Pounds.	
Ringing of bells.	
Burial places.	
Building lines.	
Markets.	
Hay, wood, etc. Drays.	

license persons to engage in and exercise the business or occupation of tavern keeping, inn-holder, common victualer, and saloon keeper, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaged in such occupation or business without such license; to regulate and prescribe the manner of constructing party walls, chimneys and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or promoting fires, and to make all such ordinances, by-laws and regulations, as the common council shall deem necessary to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fire; and for the purpose of enforcing such ordinances, by-laws and regulations, the common council may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwellings, buildings and tenements of every description, and all lots, yards and inclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe at the expense of the owner or owners, or occupants of the buildings in which the same may be; and every building or structure that shall be constructed, moved, repaired, enlarged, used, maintained, occupied, or allowed to stand or remain in violation of or contrary to any ordinance of said village, is hereby declared a common nuisance, and may be abated, taken down and removed by direction of the common council, at the expense of the owner or occupant, or person who caused such nuisance; to prohibit the maintaining of lumber yards, the keeping, piling and storing of fire-wood, timber, lumber, or other easily combustible material within the limits of any fire district; to construct reservoirs wherever needed, and to provide for supplying the same with water; to construct sewers, drains and culverts; to provide wells; to grade, gravel, pave, repair, amend, and otherwise improve the streets,

Tavern-keepers.

Protection of village against fire.

Unsafe buildings.

Lumber yards.

Reservoirs.

Repairing
sidewalks.
Obstructions
on streets.

Necessary
regulations.

Fire
department.

Firemen
and their
privileges.

Chief engi-
neer; when
elected.

Marshal may
compel aid
at fires.

Firemen to
be exempt
from poll tax
and jury
service.

lanes, alleys, public grounds and parks in said village; to construct, repair and renew sidewalks; to remove all encroachments from any street, lane or alley, or public grounds or places in said village, and to make such other improvements as may conduce to the general good and prosperity of said village or any part thereof, and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order and good government of said village.

Sec. 15. The common council shall have power to establish, maintain and regulate all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with engines and other implements and instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of such village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council.

Sec. 16. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have command of the whole fire department of the village; also, one assistant engineer, who shall act as chief engineer in case of the absence or disability of the chief.

Sec. 17. The marshal or any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation and protection of any property endangered thereby, and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

Sec. 18. Every person belonging to an organized fire company in said village, may obtain from the village recorder a certificate to the effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving as jurors and from paying a poll tax.

Sec. 19. The common council, whenever they may deem it necessary for the public good and convenience of the inhabitants in the laying out, opening, widening or straightening of streets, highways or alleys, to use and take the property or lands of any person, shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purposes for which the same are to be used, and that the common council will meet on some day to be named in the resolution, to take action in regard to the matter, and notice of such meeting shall be given to the owners or parties interested, or his, her or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution, posted in three public places in said village, or in some newspaper published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises, for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if, for any other cause, there shall not be any arrangement or bargain between the parties thereto, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept under his hand in the nature of a *venire facias*, directed to the marshal of said village, commanding him to summon a jury of twelve disinterested freeholders of said village, to appear before any justice of the peace of the township of Wayland, in said village, at the time therein to be stated, to inquire into and assess the damages and recompense due to the owner or owners of, or parties interested in such grounds, premises or property; which jury, being duly sworn by said justice faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of,

Proceedings
when private
property is
taken for
streets.

Notice of
meeting to
negotiate
with owner.

Refusal of
owner to sell

Summoning
of jury.

Jury to
award
damages

Compensation
tendered to
owner.

Claimant to
pay costs
when no
damages are
allowed.

Proviso.

or parties interested in such grounds, premises or property, for their respective damages or losses, according to their respective interests and estates therein; and the said justice, upon the return of such assessment, shall enter judgment confirming the same; and the sum or sums so assessed, together with his or their costs, shall be paid or tendered to the party or person entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury, for the use of such party, persons or claimant, before such street, highway, alley, lane, water-course, square, market-place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damage, then it shall be competent for such justice to render judgment against such claimant for all costs and issue execution therefor; and in either case it shall thereupon be lawful for the common council to cause the same grounds, premises or property, to be immediately converted to and for the use and purposes aforesaid: *Provided*, That the party claiming damages may have the right to remove such proceedings by appeal to the circuit court of the county of Allegan, upon giving notice of his or their intention so to do, to the said justice, in writing, within ten days, or in case of the absence of the party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and the judgment of said justice therein, as aforesaid, such appellant first giving bond with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening, establishing altering, straightening, widening or extending such street, lane, alley, square, market-place or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in cases of

appeal from justices' courts: *Provided further*, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Sec. 20. The common council shall cause such of the streets, highways, alleys, and lanes in said village as shall have been used for six years or more prior to the passage of this act, as public highways, streets, lanes or alleys, which have not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described, and recorded in the office of the village recorder, in a book to be denominated the book of "street records," and the common council shall cause a survey or description and plat of every public ground, highway, park, street, lane, and alley, or part thereof, which shall hereafter be opened, established, altered, widened, straightened, or the grade thereof established, to be recorded in said book of "street records," and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane, alley, or that part thereof therein described, and of the boundaries thereof; and a copy of any ordinance or resolution of the common council, vacating or closing any public ground, park, highway, street, lane, or alley, or any part thereof, shall also be recorded in said book of "street records," and the same shall be evidence as aforesaid.

Council to cause streets to be re-surveyed, etc.

Book of "street records;" contents of.

To be taken as evidence.

Sec. 21. The common council shall have power to assess and levy, at any time, by special tax, the expenses of making, grading, paving, opening and repairing streets, lanes and alleys, and of putting curb-stones and culverts therein; of grading, paving, or planking and repairing sidewalks, or making drains and sewers, and other local improvements upon the lots, premises, and subdivisions thereof, which are in front of or adjoining to such streets, sidewalks, drains, sewers, and other improvements, and upon other lots and premises, which in the opinion of the common council are ben-

Common council may assess expenses of grading.

May pass by-laws relative to mode of assessing.

ed thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, which shall be exclusive of, and in addition to any general tax, and shall be and remain a lien upon the land until paid, and if not paid, the land may be sold therefor, in the same manner as for ordinary village taxes.

May require owners to construct sidewalks.

Sec. 22. When the common council may deem it expedient, they may, by ordinance, resolution or otherwise, require the owners and occupants, or either, of land in said village, or any specified part thereof, to construct, repair, maintain and reconstruct sidewalks, pavements and other street improvements, in any street, lane, or alley adjoining their respective lots or premises, to the middle of such street, lane or alley, in such manner and with such materials as the common council, by ordinance, resolution or otherwise, may direct; but with refer-

Tax; persons paying, to be exempt from highway.

ence to paving, this shall apply only to streets that are graded, and when enforced for the purpose of paving any such streets, outside of the sidewalks, on said streets, the paving may be done at the public expense, or if assessed upon the property adjoining that portion of said street ordered to be paved, said property so assessed for paving may be exempt from further taxes thereafter, for highway purposes, in the discretion of the common council; and if the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises, or otherwise given, served or published, as the common council may direct, by ordinance, resolution or otherwise, shall fail or neglect to construct, repair, maintain, and reconstruct any sidewalk or pavement, or other street improvement, or to plank any street, or to clear away any snow, ice, or other obstruction, from any sidewalk adjoining to such lot or premises, within such time and in such manner and with such materials as the common council may prescribe or require, by ordinance, resolution, or otherwise, the common council may cause the same to be done at the expense of the village; and such expense shall be deemed to be a special assessment upon

Proceedings when persons refuse to build walk, etc.

such lot or premises, and the common council may add the same to the amount of the general village tax roll next there-
after to be made; and the amount so added shall be a lien on the premises, in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid, the land may be sold therefor, in the same manner as ordinary village taxes.

Taxes to remain a lien on real estate.

Sec. 23. The common council shall have power and authority to raise annually, by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the powers hereby conferred on them; and they shall, on or before the first day of June in each year, determine, by resolution, the amount of taxes necessary to be levied for said purposes during the year: *Provided*, That the taxes so determined to be levied shall not exceed, in any one year, the sum of one thousand dollars, unless the qualified electors of said village shall determine at the annual village election to increase that amount, by a majority vote of all the qualified electors, and the vote may be taken *viva voce*, or otherwise, as the common council of said village may determine and direct, which amount so determined to be levied, shall be exclusive of and in addition to any taxes which may be levied by virtue of any provisions in this act, as a special assessment for public or local improvements; and every tax lawfully imposed upon any lands, tenements and hereditaments in said village, shall be and remain a lien upon such lands, tenements and hereditaments, until the same shall be paid.

Power of council to raise taxes for village purposes.

Proviso.

Tax a lien on lands.

Sec. 24. The assessor of said village shall, once in each year, between the first Monday in April and the first Monday of May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant or agent thereof, if known, and names of all persons liable to pay a capitation or poll tax, as provided for in this act, and shall esti-

Assessment roll; contents of.



Notice of
time for
reviewing.

Corrections.

Council to
make dupli-
cate of taxes.

To attach
warrant to
roll, and or-
der marshal
to collect.

Marshal to
collect.

mate and set down in such roll, the valuation of all such property at its fair cash value, placing the value of personal property on a separate line, and when completed, shall immediately file the same in the office of the recorder of the village; whereupon it shall be the duty of the common council to give notice that at a certain time and place, not less than five nor more than ten days, said common council will meet to hear any person considering himself aggrieved by the assessment made by said assessor; and said common council are hereby authorized, upon sufficient cause shown, to reduce or increase said valuation; and when so corrected, said common council shall annex a certificate to said assessment roll, to be signed by the president and recorder, that said roll has been revised and corrected by said common council, which certificate shall be *prima facie* evidence of the regularity of the assessment of said village.

Sec. 25. It shall be the duty of the common council, immediately after said assessment is completed and corrected, as provided in section 24 of this act, to make or cause to be made out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall, after attaching thereto the proper warrant for the collection of the taxes therein levied, be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same, on or before the day specified in such warrant, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the common council may deem best.

Sec. 26. The marshal, upon receiving the said copy or [of] tax roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the marshal is hereby authorized and

required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, wherever found within said village, together with the costs and charges of such distress and sale, and may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice, and sell in the same manner as township treasurers in the collection of taxes, and return any surplus to the owner of the property, in accordance with the revised statutes of this State.

When may
sell property
for taxes.

Sec. 27. At the expiration of the time mentioned in the warrant annexed to said copy of tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal be unable to collect the same, he shall make in said roll, or permanently attach thereto, a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and further, that he has not been able to collect the same, nor, upon diligent inquiry, to discover any goods or chattels subject to levy, belonging to the person charged with or liable to pay such tax, and shall deliver such statement and copy of tax roll to the recorder of said village within five days thereafter.

Return
of unpaid
taxes.

Sec. 28. The recorder, after such statement and copy of roll have been delivered to him; shall, under the direction of the common council, and in pursuance of any ordinance or resolution of the common council, proceed to sell at public auction, at some public place in said village, so much of said lands returned in said statement on account of the non-payment of taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, first giving at least thirty days' notice of the time and place of sale by advertisement posted up in three of the most public places in said village, which advertisement

Recorder
authorized
to sell lands
for taxes.

Notice of
time and
place of sale.



shall contain a description of the land, and the name of the owner, if known, and the amount of taxes and expenses for the non-payment of which it is to be sold, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village, once in each week for four successive weeks preceding said sale. On the day mentioned in said notice the recorder shall commence the sale of said lands, and continue until so much shall be sold as will pay the taxes and expenses; and the recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser shall be entitled to a deed for the same: *Provided*, That if any parcel of land cannot be sold to any person for said taxes and expenses, the recorder shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser thereof; upon the completion of said sale, the recorder shall deliver to the treasurer of said village a certified statement thereof, containing a description of the lands sold, the date of sale, the particular tax and amount for which the same was sold, and the name or names of the purchasers, which statement shall be preserved and transcribed by the said treasurer in a book to be provided and kept by him for that purpose, and all moneys received upon such sales he shall at the same time deliver to said treasurer.

Sec. 29. Any persons claiming any of the lands sold as aforesaid, or any interest therein, may, at any time within one year next succeeding the day of sale, redeem any such lands or interest therein, by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty per cent. per annum, from the day of sale, for the use of the purchaser, but in no case shall the interest be computed for a less time than three months;

Proceedings
on day of
sale.

Certificate of
sale.

Provido.

Recorder to
give treas'r
statement of
sale.

Time for
redemption.

whereupon the treasurer shall make and deliver to the person making such payment a certificate of the redemption thereof. Certificate of.

Sec. 30. Upon the presentation of any such certificate of Conveyance. sale to the recorder of said village, after the expiration of the time for the redemption of the lands sold, as aforesaid, he shall, unless said lands have been redeemed, as aforesaid, or the certificate of sale canceled, as hereinafter provided, execute to the purchaser or purchasers, his, her, or their heirs, assigns, executors, or administrators, a conveyance of the lands therein described, which conveyance shall invest in the person or persons to whom it shall be made, an estate in fee simple, subject to all the claims the State may have therein; and the said conveyance shall be *prima facie* evidence that all the proceedings were regular, according to the provisions of this act, from the valuation of the same by the assessor, to the date of the deed inclusive; and every such conveyance, executed by the recorder, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in all the courts of this State, in the same manner, and with like effect as any other conveyance of real estate or any interest therein; and the common council may, upon satisfactory evidence, upon oath, of the payment of any tax upon real estate, and that the same has been returned wrongfully for non-payment, by mistake or otherwise, cancel the certificate of sale at any time before conveyance is made, and return the purchase money. When may be used as evidence.

Sec. 31. Any of the justices of the peace of the township of Justices of the peace; powers and duties of. Wayland are hereby authorized and empowered to inquire of, hear, and try and determine, in a summary manner, all offenses which shall be committed against any of the laws and ordinances that shall be made or adopted by the common council in pursuance of the powers granted by this act, and to punish the offenders as by the said laws or ordinances shall be prescribed or directed; and such justice shall have power to hear, try and determine all charges, complaints, actions and prosecutions for the recovery or enforcing of any and all fines, penalties and forfeitures, for alleged violations or infringements To try cases for recovery of fines, etc.



of the said by-laws and ordinances, or of any of the provisions of this act, except in cases where jurisdiction belongs to some other court. The proceedings in all such cases, actions and prosecutions shall be according to and governed by the general laws and rules of practice of this State, applicable to courts of justices of the peace.

Proceedings;
how gov-
erned.

Offenders to
be entitled
to jury.

Right of
appeal.

Proceedings
when a con-
viction is
had.

Justice to
issue process

Power of
justice to
imprison
offender.

Sec. 32. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any offense, or violation of any by-law or ordinance of said village, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace; and in all cases the right of appeal and *certiorari* from the justice's court to the circuit court for the county of Allegan, shall be allowed to the parties on the same terms, and the same bond shall be given as is or may be required by law in every case of *certiorari*, or appeal from justices' courts in other cases.

Sec. 33. Whenever a conviction is had, or a judgment rendered for any fine, penalty or forfeiture, for a violation of this act, or of any by-law or ordinance of said village, it shall be with cost of suit, and execution therefor may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to prison, if it be so adjudged and according to law; and in cases where both fine and imprisonment are imposed upon the person so convicted by the judgment of any such justice, he shall issue the necessary process to carry such judgment into effect.

Sec. 34. The several justices of the peace of the township of Wayland shall have power in all cases where, by the provisions of this act, or of any by-law or ordinance made in pursuance thereof, any person may be sentenced to imprisonment, to imprison in the jail of the county of Allegan; and it is hereby

made the duty of the keeper of said county jail to receive such persons; and in all cases where the term of imprisonment shall exceed sixty days, such person may be sentenced to confinement in the Detroit house of correction: *Provided*, It shall be competent for the common council of said village to construct and establish a lock-up for said village, in which to temporarily confine all persons who may have been arrested by the marshal, or convicted and sentenced by said court for offenses under this act for a less time than twenty days.

Sec. 35. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provisions, or to recover any fine, penalty or forfeiture for such violation, shall be brought in the name of "The People of the State of Michigan;" and in any suit or prosecution, it shall not be necessary to set forth in the complaint or warrant, the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title, but it shall be sufficient to state in the complaint and warrant, with reasonable certainty of time and place, the act of violation or offense complained of, and to allege the same to have been committed in violation of the provisions of an ordinance or by-law, as the case may be, of the village of Wayland, referring thereto by its title; and all processes issued by any justice of the peace in any such suit or proceeding, shall be directed to the "marshal of the village of Wayland, or to any constable of the county of Allegan," and the same may be executed any where within the said county of Allegan.

Sec. 36. The style of all ordinances shall be, "The common council of the village of Wayland ordain;" the time when any ordinance shall take effect shall be prescribed therein, but no by-law or ordinance shall be operative until the same shall have been published two weeks successively, in a newspaper published in said village, or by written or printed notices posted up in three of the most public places in said village; and like notice shall be given of the repeal or amendment of any ordinance or by-law.

All moneys
received for
fines to be
paid to treas-
urer.

Sec. 37. All fines, penalties, and forfeitures for any violation of the provisions of this act, or of the by-laws and ordinances made in pursuance thereof, and all moneys received for licenses, or from other sources belonging to said village, shall be paid to the treasurer of said village by the officer receiving the same, immediately after the receipt thereof, and shall be disposed of as the common council may direct.

Citizens to be
competent as
jurors.

Sec. 38. In suits or proceedings in which the common council shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceedings: *Provided*, That such interest be only that which he has in common with the citizens of said village.

Proviso.

Annual
statement;
contents of.

Sec. 39. The common council shall, at the expiration of each year, make out and cause to be published, a just and true statement of all moneys received or expended by them in their corporate capacity, during the year next preceding such publication, also the disposition thereof, previous to which they shall settle and audit the accounts of the treasurer and all other officers and persons having claims against said village, or accounts with it, and shall make out, in detail, a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the object and purposes for which the same was made, and the money expended under such appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village.

Power of
council to
borrow
money.

Sec. 40. The common council may borrow, for the time being, in anticipation of receipts from taxes, such sum of money as may be deemed necessary for the purposes enumerated in this act, and may issue the bonds of the village therefor: *Provided*, The council shall not borrow to exceed one thousand dollars, unless authorized to borrow a greater amount by a majority vote of the qualified electors of said village, at their

Proviso.

annual village election, which vote may be taken *viva voce*, or otherwise, as the council may direct.

Sec. 41. The marshal, recorder, treasurer, assessor, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the by-laws and ordinances shall direct. Compensat'n of officers.

Sec. 42. All ordinances, by-laws, and regulations of the corporation of the village of Wayland, which are in force at the time of the passage of this act, shall remain in full force and effect, as if passed under the provisions of this act: *Provided* Previous by-laws to remain in force. Proviso. however, That they do not contain anything repugnant to the provisions of this act, or the constitution or laws of this State, or of the United States.

Sec. 43. The president, trustees, and all other officers in said village now holding and performing the duties of their respective offices which were elected under their charter at any legal election, shall continue to hold the same, and discharge the duties thereof, until the last Monday of March, A. D. 1870, at which time the first annual election under this act shall be held. Time present officers shall remain in office.

Sec. 44. This act shall be deemed a public act.

Public act.

Sec. 45. This act shall take immediate effect.

Approved March 30, 1869.

[No. 367.]

AN ACT to amend sections sixteen and thirty-five of "An act to incorporate the city of Monroe," approved March twenty-second, in the year one thousand eight hundred and thirty-seven.

SECTION 1. *The People of the State of Michigan enact, That* Section amended. section sixteen of an act entitled "An act to incorporate the city of Monroe," approved March twenty-second, eighteen hundred and thirty-seven, be amended so that the same shall read as follows:

Common
council may
pass laws
relative to—

Public
peace.
Riots.

Vagrants.

General
prosperity of
the city.

Sec. 16. The common council shall have power to make all such by-laws and ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace; for the suppression of riots and gambling, indecent and disorderly conduct, and for the punishment of the same, and for the punishment of all lewd and lascivious behavior in said city, and for the apprehension and punishment of all vagrants, drunkards and idle persons; and they shall have power from time to time to make and publish all such by-laws and ordinances as to them shall seem necessary to provide for the safety and good government, preserve the health, promote the prosperity and improve the comfort and convenience of said city and the inhabitants thereof, and to impose punishments, fines, forfeitures, and penalties on all persons offending against the by-laws and ordinances made as aforesaid.

Section
amended.

Sec. 2. That section thirty-five of said act, as amended by act number four hundred and four, of the session laws of the year one thousand eight hundred and sixty-seven, be amended so that the same shall read as follows:

Council may
direct the
opening of
streets, etc.

May repair
drains.

Provide
funds for
defraying
expenses.

Sec. 35. The common council shall have power to order, direct, and superintend the making, paving, repairing or opening of all streets, lanes, alleys, sidewalks or bridges within the limits of said city, and to level and grade the same; to establish the lines thereof, upon which buildings may be erected, and beyond which buildings may not extend; to lay, establish, make and repair drains and sewers in and along said streets, lanes and alleys, and in such other places as said city or council shall have heretofore acquired, or shall hereafter acquire the right of way for such sewers or drains; and the common council shall have authority to provide funds for defraying the expenses of such paving, leveling, grading, repairing, making or opening of streets or sidewalks, or laying, establishing, making and repairing such drains and sewers as may be deemed necessary, either by assessment upon the owners or

occupants of such lots or premises in front or adjacent to which such street, sidewalk, or other improvement may be directed to be made, paved or repaired, or by general assessment or otherwise, as said council may direct; and such assessment shall be binding and conclusive upon the owners and occupants of such lots or premises so assessed respectively, and upon all who are assessed, and may be made by a majority vote of said council, and shall be a lien and a charge upon such lots and premises as aforesaid, and a charge upon the person so assessed; and such owners or occupants, or other persons, shall also be liable to pay, on demand, the sum at which said lots or premises shall be assessed, to such person as the said common council shall appoint to receive the same; and if default in such payment, or any part, or in case on account of the absence of such owner or occupant, demand cannot be made, it shall be the duty of the common council, by a majority vote thereof, to order the same, with ten per cent. damages thereto added, assessed and levied upon such lot or premises; and the city clerk, within five days thereafter, shall certify such order, with a description of the lot and premises, and the amount of such assessment, to the assessor of the ward within which such lots or premises are situated, who shall assess said unpaid taxes and assessment, together with ten per cent. damages thereto added, in the tax roll of the said ward for the collection of taxes next to be levied upon the said lots or premises, in the column of the highway or street taxes, and such tax or assessment shall then be levied, collected and returned in the same manner as provided by law for the ordinary city taxes. If the common council shall so direct, whenever any owner or occupant shall have failed to construct any sidewalk or repair the same, adjoining his respective lots or premises, within the time limited by any ordinance for the construction or repairing of the same, it shall be lawful for the common council to cause such sidewalk to be constructed or repaired at the expense of the city, and to recover the amount of such expenses, with damages at the

Make assessments on owners of property.

Proceedings of, in default of payment.

Power of, to construct walks, etc.

When may
collect costs
in an action
of debt.

rate of ten per cent, with costs of suit, from the owner or occupant of such lot or premises, whose duty it was to conform to such regulation, in an action of debt, to be brought in the name of the mayor, recorder, aldermen and freemen of the city of Monroe, before any justice of the peace of said city, in case the amount sued for shall not exceed one hundred dollars, and otherwise, before the circuit court for the county of Monroe; and it shall be sufficient, without setting forth the special matter, to allege in the declaration that the defendant is indebted to the plaintiffs in the sum claimed, for the construction or repair of a sidewalk, describing the location of the same, and that it is according to the provisions of this section whereby an action has accrued, or the common council may cause the amount of the expense to be levied by tax, as hereinbefore

Proviso.

provided: *Provided*, The tax or assessment herein provided for shall, in no case, if general, exceed the sum of one-fifth of one per cent. upon the valuation, and if assessed upon the owners or occupants of the lots or premises in front of, adjacent to, or adjoining which said improvement shall be made, such tax shall not exceed ten per cent. of the value of the lots and premises so taxed, nor shall a greater amount be recovered by action. In case any such tax or assessment on the amount of such construction or repairs shall be paid by the occupant, the expense said occupant may then be subjected to may be collected by him from the owner of the premises, or retained from the rent, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense, by the terms or nature of the agreement under which he holds the premises:

When occupant may
collect assessment
from owner.

Proviso.

Provided, That the common council of said city of Monroe may, if in their opinion any wet or low lands, or stagnant water in said city affects injuriously the health of the inhabitants of any part of said city, locate and construct any drain or sewer which may have been heretofore constructed in said city for the purpose of draining such lands, or removing such water, and may apportion and assess the expenses thereof, or any portion of the same, among the owners or occupants of

such lots or premises, as, in the opinion of said council, are benefited by the construction of such drain or sewer, in such proportion as they shall deem said lots or premises benefited by the same: *Provided also*, That in case any new drain or sewer shall ^{Ibid.} be located in said city, and all persons interested in the lots or premises through which such drain or sewer shall be located shall not release the right of way and all claims to compensation for such drain or sewer, the common council of said city shall give notice thereof to the owner or person interested, or his or their agent or representative, by personal service, or by advertisement in some newspaper published in said city, at least three weeks next preceding the meeting of the common council for the purposes aforesaid; and the common council are ^{Notice to owner.} authorized to treat with such person or persons for the grounds or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the recorder of said city to issue a *venire facias*, to command the marshal of said city to summon and ^{Council to treat with owner.} return a jury of twelve disinterested freeholders of said city, to appear before said recorder, at a time therein to be stated, to inquire into and determine the just compensation to be paid therefor to the owner or owners of, or parties interested in said grounds or premises, which jury, being first duly sworn by ^{Summons of jury.} said recorder faithfully and impartially to inquire into and to ^{Jury to award damages.} ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or the parties interested in such ground and premises, for their respective injuries, according to the several interests or estates therein; and said recorder shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and ^{Compensation tendered to owner.} in case the common council shall determine the construction of said drain or sewer to be necessary, they may proceed to locate and construct the same, upon the payment of such sum or sums to the parties interested, as shall have been adjudged

proviso.

by said jury as such compensation, and shall apportion and assess the costs and expenses of such construction upon such owners or occupants of such lots and premises as they shall deem benefited by the construction of such drain or sewer, in proportion as they shall deem the same benefited thereby; and the sums severally so apportioned and assessed shall be a charge upon such owners or occupants, and shall be a lien upon such lots and premises respectively, and shall be collected in the same manner as hereinbefore provided for the costs and expenses of the pavement of streets: *Provided further*, That in case any assessment, or any portion thereof, heretofore made, or which shall be hereafter made, for any improvement made in said city, shall, for any cause, fail to be collected, the common council of said city may re-assess, or re-apportion and re-assess the amounts so uncollected to such owners or occupants of lots, and upon such lots, in the same amounts, with ten per cent. interest thereon, as the same might have been assessed in the first instance, and the same shall be collected in the same manner as other assessments authorized by this section.

Sec. 3. This act shall take immediate effect.

Approved March 30, 1869.

[No. 368.]

AN ACT to amend an act entitled an act to amend an act entitled "An act to incorporate the village of Tecumseh," being act number eighty-four, of the session laws of the year eighteen hundred and fifty-nine, approved February ninth, eighteen hundred and fifty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That section two and section twelve of an act to amend an act entitled an act to amend an act entitled "An act to incorporate the village of Tecumseh," being act number eighty-four, of the session laws of the year eighteen hundred and fifty-nine, approved February ninth, eighteen hundred and fifty-nine, be altered and amended so as to read as follows:

Sec. 2. The inhabitants of said village, having the qualification of electors under the constitution of the State of Michigan, shall meet at such place in said village as the present recorder of said village of Tecumseh shall designate, on the first Monday of March next, and then and there proceed, by a plurality of votes, to elect by ballot from among the qualified electors residing in said village, three trustees for a term of one year, and three trustees for a term of two years; also, one president, one recorder, one treasurer and two assessors, who shall hold their respective offices for the term of one year, and until their successors are elected and qualified; and on the first Monday of March annually thereafter, at such place within said village as the recorder shall designate, then and there in like manner elect three trustees for a term of two years; one president, one recorder, one treasurer and two assessors, who shall hold their office for one year, and until their successors are elected and qualified: *Provided*, That if an election of such officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed dissolved.

Electors;
time and
place of hold-
ing.

Officers and
terms of
office.

Provided.

SECTION XII.

OF THE POWERS OF THE COMMON COUNCIL.

Art. 1. The president, trustees and recorder, when assembled together and organized, shall constitute the common council of the village of Tecumseh, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time; and the common council may be summoned to hold their meetings at such time as the president, or in case of his absence or inability to act, the recorder may appoint, and at such place as shall have been designated as council room by the common council. The common council shall have power to impose, levy, and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meetings, of

Common
council;
who to con-
stitute.

Quorum of.

Powers and
duties of.

any officer of the corporation who has been duly notified to attend the same. In case of the absence of the president or recorder from such meetings, the members present may appoint a president or recorder *pro tempore*. Each member of the common council shall be entitled to one vote.

President
pro tem.

May appoint
marshal and
other officers

Art. 2. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the power, and it shall be their duty to appoint a village marshal and a street commissioner, and such other officers as may seem to be necessary and proper, and remove or supersede the same for any cause deemed by them to be valid and sufficient therefor, and shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the village, and may dispose of the same when directed by the vote of a majority of the electors of said village, and make such rules and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said village to enact, continue, establish, annul, amend and repeal such ordinances, by-laws, rules and regulations as they may deem desirable for the following purposes:

Vice and
immorality.

Riots.

Gaming
houses.

Liquors.

Auctions

First. To prevent vice and immorality; to preserve public peace and good order; to organize, maintain, and regulate a police of the village, when necessary, and to define the powers and duties of such police, or of any police officers; to prevent and quell riots, disturbances, and disorderly assemblies.

Second. To prevent and restrain disorderly and gaming houses, and houses of ill-fame; to prevent the exhibition or use of any and all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and restrain and prohibit all billiard tables kept or used for gaming purposes.

Third. To forbid and prevent the vending, giving away, or other disposition of liquors and intoxicating drinks to any drunkard, minor, or other person in the habit of getting intoxicated, and to prohibit, restrain or regulate the sale of all goods, wares, and personal property at auction, except in cases of

sales authorized by law, and to fix the fees to be paid by and to auctioneers.

Fourth. To prohibit, restrain, license or regulate all sports, Shows. exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances or exhibitions for money.

Fifth. To abate or remove nuisances of every kind, and to Nuisances. compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, purify, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Sixth. To direct the location of all slaughter-houses, markets, Slaughter and buildings for storing gunpowder or other combustible houses. material or substances.

Seventh. Concerning the buying, carrying, selling, and using Gunpowder. of gunpowder or other combustible materials, and the exhibition of fire-works; the use of lights in barns, stables, and Lights. other buildings; and to regulate or prohibit the discharge of fire-arms within the limits of the village, or the making of bonfires in streets or yards.

Eighth. To prevent the incumbering of streets, sidewalks, Obstructions cross-walks, lanes, alleys, bridges, or other public places in any on streets. manner whatever.

Ninth. To prevent and punish horse racing and immoderate Fast driving. driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said village.

Tenth. To determine the routes and grades of any railroad to Routes of be laid in said village, and to restrain and regulate the use of railroads. locomotives, engines and cars upon the railroads within the village.

Eleventh. To preserve the salubrity of the waters of the Salubrity of river Raisin, Evans Creek, or other streams within the limits of water.

said village; to prohibit or regulate bathing therein, and to provide for cleansing the same of drift-wood or other obstructions; to fill up all low grounds or lots covered or partly covered with water, within the limits of said village, or drain the same, as they may deem expedient.

Drunkards.

Twelfth. To restrain and punish drunkards, vagrants, street-beggars, and all disorderly persons, or keepers of gaming or disorderly houses, or other houses in which drunkards or boisterous persons are allowed to congregate and disturb the peace, or in which any crime or misdemeanor shall be committed by the knowledge or consent of the occupant of such house.

Pounds.

Thirteenth. To establish, maintain and regulate one or more pounds in said village, and to prohibit, restrain, or regulate the running at large of horses, cattle, sheep, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding, and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese or poultry therein impounded, as they may deem necessary or advisable for the purpose of perfecting the title of any property sold in conformity with any ordinance or by-law, and of preserving the evidence, and declaring the legal effect of any and all evidence of any such sale or sales; and no court other than the circuit court for the county of Lenawee, or the courts held in said village, shall have jurisdiction of any action of replevin, or other action against any pound master of said village, for or on account of any animal or animals, geese or poultry impounded, or for or on account of any act done by any such pound master in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said village.

Selling of
animals
impounded.

Fourteenth. To prevent or regulate the running at large of Dogs, dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets.

Fifteenth. To prohibit any person from bringing or deposit-^{Offensive substances.} ing within the limits of said village any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his or her premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the village.

Sixteenth. To compel all persons in such part or parts of the village as the common council may deem proper, to keep side-^{Obstruct'ns on walks.} walks in front of premises owned or occupied by them, clear from snow, ice, dirt, wood, or obstructions, but the village shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such side-walk clear from snow, ice, dirt, wood, or other obstructions.

Seventeenth. To regulate the ringing of bells and the crying ^{Ring'g of bells.} of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets.

Eighteenth. To prescribe the powers and duties of all the ^{Duties of officers.} officers of said village, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies.

Nineteenth. To purchase, hold and maintain suitable grounds ^{Cemeteries.} for a cemetery; survey and divide the same in such form and manner as they may deem proper; fix and determine the price of burial lots; sell and convey the same; ornament, fence and improve such cemetery, or any burial ground now in said village, and enlarge the same; regulate the burial of the dead; ^{Burial of the dead.} preserve tomb-stones and monuments, and exercise a general control over all burial places in said village.

Twentieth. To provide for the lighting of the streets and ^{Lighting of streets.} alleys, and the protection of the public lamps.

Twenty-first. To establish, order and regulate the markets; ^{Markets.} to regulate the vending of wood, hay, meat, vegetables, fruits,

- Sale of vegetables, etc.** fish, provisions, and farm produce of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers and non-resident buyers of produce, for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly
- Proviso.** keeping or offering the same for sale: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats, by the quarter, within the limits of the village.
- Reservoirs.** *Twenty-second.* To establish, regulate, and preserve public reservoirs, wells, and pumps, and to prevent the waste of water.
- Building lines.** *Twenty-third.* To regulate and establish the line and grade upon which buildings may be erected upon any street, lane, or alley in said village, and to compel such building to be erected upon such line or grade by a fine upon the owner thereof not exceeding five hundred dollars for each offense.
- Fire limits.** *Twenty-fourth.* To establish fire-districts, within which no wooden building (except such as shall be authorized by the common council) shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain.
- Peddlers.** *Twenty-fifth.* To regulate and restrain hawking and peddling in the streets, and to regulate and license pawn-brokers, and to license, regulate or restrain the sale, by auction, public outcry, or otherwise, of goods, wares, and merchandise, by persons, or agents of persons not residents of the village, within said village.
- Duties of officers.** *Twenty-sixth.* To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the village for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law.
- Cartmen.** *Twenty-seventh.* To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts

and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said village, and to regulate the sale thereof; and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding three months, or by both such fine and imprisonment, in the discretion of the recorder or justice who shall try the offender.

Twenty-eighth. To regulate and require the setting of shade trees in the streets of said village, and to provide for the preservation of the same; and any person owning real estate in said village, in front of which there is not a sufficient number of shade trees growing, may expend twenty-five per cent. of his or her highway labor, or highway tax, in each and every year, in setting out shade trees along the margin of the streets or highways in front of such lands, at such distance from the margin of the street or highway as the common council may determine, or as the street commissioner may prescribe: *Provided, That* until the common council or street commissioner shall determine the distance such trees shall be set from the margin of the streets or highways, the same may be set not less than six nor more than ten feet from the margin of the street or highway.

Thirty-second. To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said village, except as herein otherwise provided.

Thirty-third. The common council shall have full power to make all such by-laws and ordinances, rules and regulations as they may deem proper for fully and effectually enforcing any and all powers conferred upon them by this act.

Boundaries
of streets.

Art. 3. The common council may ascertain, establish, and settle the boundaries of all streets and alleys in the said village, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, the prevention of fires, the levying of taxes, the supplying of the village with water, and all other subjects of municipal regulation, not herein expressly provided.

Levy taxes.

Art. 4. The common council shall have power to assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money, provide for the payment of the debt and expenses of the village, and make regulations concerning the same; to employ all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make all such other by-laws, ordinances or regulations as they may deem necessary for the good government of said village.

Employ
convicts on
streets.

To pass all
necessary
by-laws.

To protect
village ag^tst
fires.

Fire
department.

Art. 5. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper to secure said village and the inhabitants thereof against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire-buckets as they may direct; to establish, maintain and regulate all such fire-engine, hook and ladder, and hose and bucket companies as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper buildings, engines and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said

village such number of persons, not exceeding eighty to one Appoint firemen.
 company, as are willing to accept, or as may be deemed proper
 to be employed as firemen; and every such company shall have Firemen to elect their own officers.
 power to appoint its own officers, and to pass by-laws for its
 organization and government, subject to the approval of the
 common council, and to impose and collect such fines for the
 non-attendance or neglect of duty of its members as may be
 deemed necessary and proper; and every person belonging to
 such company shall annually obtain from the recorder a certifi-
 cate, which shall be *prima facie* evidence of his membership
 for one year from the date thereof. Every member of such Firemen ex-
 empt from
 poll-tax and
 jury service.
 company, during his membership, shall be exempt from service
 on juries, from military duty in time of peace, and from pay-
 ment of a poll tax.

Art. 6. The common council shall have power, and it shall Council to
 establish a
 board of
 health.
 be their duty to adopt measures for the preservation of the
 public health of said village; to restrain or prohibit the exer-
 cise of any unwholesome or dangerous avocation within the
 limits of the village; to establish a board of health and to
 invest it with such powers, and to impose upon it such duties
 as shall be necessary to secure the inhabitants of said village
 from contagious, malignant and infectious diseases; to provide
 for its proper organization, and for the appointment of the To pass laws
 for the regu-
 lation of the
 same.
 proper officers; and they shall have authority to make all such
 by-laws and regulations for the government of such board of
 health, and for the preservation of the health of the inhabi-
 tants of said village, as shall secure a prompt and efficient dis-
 charge of the duties imposed upon the common council by
 this act.

Art. 7. The common council shall have and exercise, in and Groceries,
 etc., power
 of council to
 regulate.
 over said village, the same powers in relation to the regulation
 of taverns, groceries, common victualers and others, as are now
 or may hereafter be conferred by the general laws of this
 State upon township boards, or upon the corporate authorities
 of cities and villages in relation to tavern-keepers and common
 victualers, and subject to the same conditions and limitations;

Tavern
keepers to
be licensed.

and no person shall engage in or exercise the business of tavern-keeper, inn-holder, common victualer or saloon-keeper, within the limits of said village, until he is first duly licensed as such by the common council; and any person who shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay for every day he shall so exercise such business or occupation, the sum of two dollars, to be recovered by action of debt in the corporate name of said village, together with the costs of prosecution, before any justice of the peace of said township of Tecumseh.

Council to
grant li-
censes.

The common council shall have power to grant licenses to authorize persons to exercise the business of tavern-keeper, inn-holder, common victualer, or saloon-keeper, within said village, and may impose such fees, to be paid into the village treasury on the granting of such license, as they may see fit.

To cause
drains, etc.,
to be made.

Art. 8. The common council shall have power to cause common sewers, drains, vaults, arches and bridges, wells, pumps and reservoirs, to be built in any part of said village; to cause the grading, raising, leveling, repairing, amending, paving or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or sidewalk of said village; to provide the width, of any and all sidewalks, the material of which the same shall be built, the manner of construction, and the time within which any and all improvements shall be made. The common council shall also have full

To provide
width of
sidewalk.

To compel
owners to
build walks.

power to compel the owners or occupants of land, at their own expense, to repair, construct, make, grade, pave, plank or gravel, and curb and rail all sidewalks adjoining such lands, by resolution or ordinance: *Provided*, That no person owning or occupying farming lands which are not laid out into lots or blocks, shall be compelled to build or maintain in front of one farm or parcel of such farming land, at his own individual expense, more than twenty-five rods of sidewalk; but the foregoing proviso shall not apply to sidewalks now built, or to such as may have been ordered built by the common council of the village of Tecumseh previous to the time this act shall take effect.

Proviso.

Art. 9. The common council shall have power, subject to the limitations and restrictions contained in this act, to determine in such manner as they may deem proper, what property will be benefited by any proposed drain, sewer or other improvement, and the just proportion which any and every parcel of land so adjoining to be benefited by any such drain, sewer or other improvement ought to be taxed therefor; and the said common council may cause such drain, sewer or other improvement to be made at the expense of the lands adjudged to be benefited thereby, and according to the benefits which each parcel of land will derive from such drain, sewer or other improvement, according to the estimate or judgment of the said common council, and the said common council may levy, assess and collect, or cause to be assessed and collected from the owner or occupants of any such lands, his or her just proportion of such expense, and the said common council may provide for the collection of all such, and of every other assessment or tax for special purposes, by a sale of any personal property found upon any lands assessed, and for want of any or of sufficient personal property whereon to levy and sell to collect such tax, then the officer whose duty it shall be to collect such tax shall proceed to levy, sell and collect the same, or the balance that may remain uncollected, together with all costs of advertising and collecting, by a sale of real estate assessed in the manner hereinafter provided.

To decide the benefit accruing from ditch's.

To charge expense to lands benefited.

To collect expense by sale of property.

Art. 10. The common council may provide for the immediate repair of cross-walks and sidewalks, and for collecting the cost or expense thereof in such manner as they may deem proper, subject to the restrictions herein contained; and they may determine the time and manner of assessing, collecting and working all highway taxes, and all other taxes except as herein otherwise provided; and they may enact such general by-laws or ordinances in relation to the assessing and collecting or working of all such taxes, not inconsistent with the constitution of this State or of the United States, as they may deem just and proper; and all by-laws or ordinances, rules or

May provide for repair of sidewalks, etc.

regulations adopted by the common council, by or in pursuance of any of the powers conferred upon them in this act, shall be binding upon all courts, and in all places whatsoever.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 369.]

AN ACT to incorporate the city of Lapeer.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That* the following territory, to wit: sections five and six, the west half of section four, the north half of sections seven and eight, and the north half of the north-west quarter of section nine, all in town seven north, of range ten east, and the south half of section thirty-two, the south-west quarter of section thirty-three, and the south-east quarter of section thirty-one, and the east half of south-west quarter of section thirty-one, in town eight north, of range ten east, in the county of Lapeer, be and the same is hereby set off from the township of Lapeer, and declared to be a city by the name of "the city of Lapeer," by which name it shall hereafter be known.

Body corporate and politic. Sec. 2. The inhabitants of said city shall be and continue a body corporate and politic, to be known and distinguished as the city of Lapeer, and by that name it shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; may have and use a common seal, and alter it at pleasure, and shall be capable of purchasing, holding, and disposing of real and personal estate for the use of said corporation.

Division of city. Sec. 3. The said city shall be divided into four wards, as follows, to wit: the first ward shall be bounded as follows: commencing at the north-east corner of said city, and thence south on the east line of the city to the township line between town-

First ward.

ships seven and eight, then west on the township line and Mill street to Saginaw street, thence southerly along the center of Saginaw street to the center of Neppessing street, thence westerly along the center of Neppessing street to the quarter line of section five, thence north on the quarter line of sections five and thirty-two to the north line of the city, thence east on the north line of the city to the place of beginning. The second ^{Second ward.} ward shall be bounded as follows, to wit: commencing at the west quarter post of section six, town seven north, of range ten east, thence west on the quarter line to the center of Main street, thence north on the center of Main street to the center of Franklin avenue, thence easterly on the center of Franklin avenue to the quarter line of section five, thence north on the quarter line of sections five and thirty-two to the north line of the city, thence west on the north line of the city to the north-west corner thereof, thence south on the west line of the city to the place of beginning. The third ward shall be bounded as fol- ^{Third ward} lows, to wit: on the north by the second ward, on the east by the quarter line of sections five and eight, on the south and west by the south and west lines of the city. The fourth ward ^{Fourth ward.} shall be bounded on the north by the first ward, on the west by the third ward, and on the east and south by the east and south boundary of the city.

Sec. 4. The common council of said city shall have power to ^{Appointed officers.} appoint a city treasurer, and as many fire wardens, watchmen, wood inspectors, and such other officers as said common council shall deem necessary to execute the powers granted by this act, whose powers and duties, other than those enumerated and defined in this act, shall be such as shall be prescribed by ordinance of said common council.

Sec. 5. No person shall be eligible to either of said offices ^{who eligible to office.} unless he shall be an elector and a resident of said city. Nor shall he be eligible to any office for any ward unless he shall then be an elector and resident of such ward. And when any officer elected or appointed for said city or ward shall cease to

reside in said city or ward for which he was so elected or appointed, his office shall thereby become vacant.

Elections;
time and
place of
holding.

Sec. 6. An election shall be held in each ward annually, on the first Monday in April, at such place as the common council shall appoint by posting written or printed notices of the time and place of holding said election, in at least three public places in each ward, at least six days previous to said election.

Officers
and terms
of office.

Sec. 7. At each annual election there shall be elected one mayor, one clerk, and one marshal, each of whom shall hold his office for one year and until his successor shall be elected and qualified; and at the first election, and at each fourth annual election thereafter, there shall be elected two justices of the peace, who shall enter upon the duties of their offices on the fourth day of July next after said election, and shall hold the same for four years: *Provided*, That at the first election two

Proviso.

additional justices of the peace shall be elected to hold their offices until the fourth day of July, eighteen hundred and sixty-nine. Also, at said election, the electors of each ward shall elect one alderman, who shall hold his office for two years and until his successor shall be elected and qualified:

Ibid.

Provided, That at the first election under this act two aldermen shall be elected in each ward, one for the term of one year and one for the term of two years, and until their successors shall be elected and qualified, and the time for which said aldermen are elected shall be designated on the ballots. There shall also

Ibid.

be elected annually in said city, by the electors thereof, one school inspector, who shall hold his office for two years and until his successor shall be elected and qualified: *Provided*, That at the first election held under this act, two school inspectors shall be chosen, one for one year and one for two years, and until their successors shall be elected and qualified, and the term for which said school inspectors are elected at said first election shall be designated on the ballots. And also, at each annual election there shall be elected, by the electors of each ward, one supervisor, one treasurer, and one constable, who

shall hold their offices one year: *Provided*, That all justice ^{hold} dockets lawfully in the hands of any justice of the peace, residing in said city at the time this act shall take effect, shall pass into and be lawfully in the possession of the justices of the peace elected by virtue of this act.

Sec. 8. The common council may appoint one or more persons to take charge of the cemetery or cemeteries within said city, under such rules and regulations as they may by their order or resolution direct, such person or persons to hold their offices at the pleasure of the common council. And in like manner and under regulations and rules by said common council, one or more watchmen for each ward; also fire wardens, not to exceed one for each fire district, which fire districts may be bounded as the said common council shall order. Also a physician, whose duties and compensation the common council may designate. Also a city attorney, whose compensation shall not exceed fifty dollars in any one year; all of which officers, appointed by said common council, shall hold their respective offices at the pleasure of the common council.

Sec. 9. When a vacancy occurs in any of the offices which are filled by the appointment of the common council, either by death, resignation, removal from the city or ward of which he was an incumbent, or the removal of said incumbent by the common council, said vacancy may be filled by appointment by said common council.

Sec. 10. All officers appointed by the common council under and by virtue of the provisions of this act, may each be removed from office by said common council for official misconduct, or for the unfaithful or inefficient performance of the duties of such office; but notice of the charges against them, and an opportunity of being heard in their defense, shall first be given.

Sec. 11. On the day of election, by virtue of this act, the polls shall be opened in each ward at the several places designated by the common council, at nine o'clock in the forenoon, and shall be kept open, without intermission or adjournment,

until four o'clock in the afternoon, at which hour they shall be closed.

Who declar'd
to be electors

Sec. 12. The inhabitants of the said city, and being residents for three months next preceding the day of such election, of the ward in which they offer to vote, and being otherwise electors under the constitution of this State, and no others, are declared to be electors under this act, and qualified to vote at the elections held by virtue of this act; and any person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be recorded, shall take one of the oaths now provided by the laws of the State, which oath shall be administered to him by one of the inspectors of such election; and shall further answer, under oath administered as aforesaid, such questions as may be put to him touching his residence in such ward; and if any person shall swear falsely, upon conviction thereof he shall be liable to the pains and penalties of perjury; but the common council said city are hereby authorized and empowered to provide by ordinance, from time to time, to so change the form of the oath or oaths to be administered to such person or persons challenged, as to conform to the constitution and laws of this State which may from time to time be in force.

Proceedings
in case of
challenge.

Inspectors
and clerk of
election.

Sec. 13. The two aldermen and the supervisor of each ward, shall be the board of inspectors of elections, and such one of their number as they shall appoint, shall be their chairman, and one of their number whom they shall appoint, shall be the clerk of such election, and such competent person, being an elector of such ward, as they shall appoint, shall be assistant clerk of such election. Each of said persons so appointed shall take the constitutional oath of office, to be administered by either of the inspectors of said board, who are hereby authorized to administer the same.

Oaths of.

Duties of.

Sec. 1 . The inspectors of elections, as specified in the preceding section, shall be inspectors of all elections held in said wards respectively, as well for the election of State, district, and county, as for the city and ward officers.

Sec. 15. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, written or printed, or partly written and partly printed, on what is known as white paper, and shall contain the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office, than there are persons to be chosen at the election to fill such office. Ballots; contents of.

Sec. 16. Each ballot shall contain the names of the persons designated as officers of the city and officers of the ward. Id.

Sec. 17. If at any annual election to be held in said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for said office, shall be designated on the ballot. Term of office designated on the ballot.

Sec. 18. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, and declare the result; and shall, on the same or next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or next day, with the clerk of the city. Canvass and statement of votes.

Sec. 19. It shall be the duty of the inspectors of election, on receiving the ballot, as specified in section fifteen, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the clerks of said election shall each write down the name of each elector voting at such election, in poll lists to be kept by said inspectors of election, or under their direction, one of which poll lists shall be, immediately after the canvassing of the votes, deposited with the clerk of the city, and filed by him in his office. Duties of inspectors and clerks at election.

Manner of
canvassing
votes.

Sec. 20. The manner of canvassing said votes shall be the same as required by law for the canvass of votes at the general elections of this State.

Who to be
deemed
elected.

Sec. 21. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officer except alderman shall not have been chosen by reason of two or more candidates having received an equal number of ballots, the common council shall, by ballot, elect such officer from the two candidates having received the highest number of votes.

When off-
cers shall
enter upon
their duties.

Sec. 22. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the third Monday of April following such election, unless otherwise herein provided.

Clerk to
notify per-
sons of their
election.

Sec. 23. It shall be the duty of the clerk of said city as soon as practicable, and within four days after said election, as provided in this act, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after said notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same with the clerk of said city.

When spec'l
elections shall
be held to
fill vacancies

Sec. 24. Whenever a vacancy occurs in the office of alderman, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said city shall immediately appoint a special election, to be held in the ward for which such officer was chosen, at some suitable place therein, not less than five nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April in any year, it shall be optional with the com-

Proviso.

mon council to order a special election or not, as they shall deem expedient.

Sec. 25. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman, the common council may in their discretion fill such vacancy, by appointment of a suitable person who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment, only until the third Monday of April next succeeding; if an elective office which shall have become vacant was one of that class whose term of office continue after the next annual election, a successor for the unexpired term shall be elected at such next annual election.

Council to fill certain vacancies.

How elective office shall be filled.

Sec. 26. Whenever a special election is to be held the common council shall cause to be delivered to the inspectors of election, in the ward where such officer is to be chosen, a notice signed by the clerk, specifying the officer to be chosen, and the day and place at which such election will be held, and the proceedings at such election shall be in the same manner as at the annual or general election; and notice shall be published in a newspaper in the city at least once before the day of such special election.

Notice of special election

Sec. 27. Every person chosen or appointed by the common council, before he enters upon the duties of his office, and within five days after being notified of his appointment, shall take the oath of office prescribed by the constitution of this State, and file the same in the office of the city clerk.

Appointed officers to take oath.

Sec. 28. If any person elected or appointed under this act shall not take and subscribe the oath of office and file the same as therein directed, or if required by this act or the common council to execute an official bond or undertaking, shall neglect to execute and file the same in the manner and within the time prescribed by the common council or this act, such neglect shall be deemed a refusal to serve, unless before any step is

What deemed a refusal to serve.

taken to fill such office by another incumbent, such oath shall be taken and filed as aforesaid.

Clerk to give council a list of officers.

Sec. 29. At the expiration of fourteen days after any election or appointment of any officer or officers in said city, the clerk of said city shall deliver to the common council a list of the persons elected or appointed, specifying the office to which they are chosen therein.

Mayor to report officers not giving bonds.

Sec. 30. The mayor shall report to the common council the names of such officers as shall have neglected to give the bond and security required by the provisions of this act.

Resignation.

Sec. 31. Resignation by any officer authorized to be chosen or appointed by this act shall be made to the common council, subject to their approval and acceptance.

Qualification of electors.

Sec. 32. The qualification of electors at city elections shall be the same as at general elections.

Absence of inspectors.

Sec. 33. At any election held under this act, if from any cause either or all the inspectors of election shall fail to attend any such election at the appointed time and place for the opening of the polls, his or their place may be supplied for the time being by the electors present, who may elect any of their number, *viva voce*, who, when so elected, shall be duly sworn by an officer authorized to administer oaths, to a faithful performance of their duties.

Expenses of elections; how paid.

Sec. 34. The expenses of any election to be held as provided by this act shall be city charges, and defrayed in the same manner as other contingent expenses of the city.

Terms of office.

Sec. 35. Any person elected to any office under this act, after the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified, and when any person is elected to fill a vacancy in any elective office, he shall hold the same only for the unexpired portion of the regular term limited to such office, and until his successor shall have been elected and qualified.

Common council; who to constitute

Sec. 36. The mayor and aldermen of said city shall constitute the common council; they shall meet at such times and places as they shall from time to time appoint, and on special

occasions whenever the mayor or person officiating as mayor (in case of vacancy in the office of mayor or of his absence from the city or inability to officiate) shall by written notice appoint, which notice shall be served on the members in such manner and for such time as the common council may by ordinance direct.

Sec. 37. The mayor when present shall preside at the meetings of the common council, and in his absence the common council shall appoint one of their number to preside. Mayor to preside at meetings of council.

Sec. 38. No ordinance or resolution passed by the common council shall have any force or effect if on the day of its passage or the next day thereafter the mayor or other officer or person legally discharging the duties of mayor, shall lodge in the office of the city clerk a notice in writing suspending the immediate operation of such ordinance or resolution. If the mayor or other officer or person legally exercising the office of mayor shall, within three days after the passage of any such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, the same shall not go into effect or have any legal operation, unless it shall at a subsequent meeting of the common council be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor, or other officer or person legally exercising the duties of the office of mayor, and if so re-passed shall go into effect according to the terms thereof. When any ordinance shall not take immediate effect.

If such reasons shall not be lodged with the clerk as above provided, such ordinance shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk; and no ordinance or resolution of the common council for any of the purposes mentioned in this section shall go into operation until after the expiration of twenty-four hours after its passage unless the said mayor, or acting mayor, shall approve the same in writing. Mayor to file reasons.

If such reasons shall not be lodged with the clerk as above provided, such ordinance shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk; and no ordinance or resolution of the common council for any of the purposes mentioned in this section shall go into operation until after the expiration of twenty-four hours after its passage unless the said mayor, or acting mayor, shall approve the same in writing. When reasons are not filed, act to take immediate effect.

Sec. 39. It shall be the duty of the city clerk to communicate to the common council at its next meeting, any papers that Clerk to give notice of papers filed.

may be lodged with him pursuant to the provisions of the last preceding section.

Each councilman to have one vote.

Sec. 40. In the proceedings of the common council each member present shall have one vote.

Sittings of council to be public.

Sec. 41. The sittings of the common council shall be public, and full minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times for public inspection, and together with all ordinances, resolutions, by-laws, and regulations adopted, shall be published within fifteen days after such sittings in at least one newspaper printed and published in said city.

When votes shall be entered at large in minutes.

Sec. 42. Whenever required by two members the votes of all the members of the common council in relation to any act, proceeding or proposition had at any meeting shall be entered at large in the minutes; and such votes shall also be entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the property in said city, or the citizens of said city, or involving the appropriation of money.

Quorum of council.

Sec. 43. A majority of the common council shall be a quorum for the transaction of business; but no tax or assessment shall be ordered, nor any appropriation be made, except by a concurring vote of a majority of all the members of the common council, and the common council shall prescribe the rules for its proceedings.

Councilmen not to become surety, or be interested in any contract.

Sec. 44. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, as principal, surety or otherwise, the expenses or considerations whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor or clerk from receiving any salary which may be fixed by the common council, not exceeding five dollars a year for the mayor, and fifty dol-

lars a year for the clerk, nor to deprive said clerk from receiving any emoluments or fees to which he may be entitled by virtue of his office.

Sec. 45. The common council in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city for the following purposes:

First. To prevent vice and immorality, to preserve public peace and good order, to regulate the peace of said city, to prevent and quell riots, disturbances and disorderly assemblages.

Second. To restrain and prevent disorderly and gaming houses and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and to regulate and restrain billiard tables and bowling alleys and the use thereof.

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drank any intoxicating liquors to any child, minors, or students attending any school in said city, without the consent of his or her parents or guardian, and to prohibit, restrain and regulate the sale of goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees, licenses or commissions to be paid by auctioneers.

Fourth. To prohibit, restrain, and regulate all sports, exhibitions of natural or artificial curiosities, caravans, or animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money.

Fifth. To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler

shop, butcher's stall, soap-factory, tannery, stable, privy, hog pen, sewer, or other unwholesome or offensive house, place or thing, to cleanse, remove or abate the same from time to time as often and whenever they may deem necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter
houses.

Sixth. To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible substances.

Gunpowder.

Seventh. Concerning the buying, selling, carrying and using gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets, alleys and yards.

Fireworks.

Incumbering
of streets.

Eighth. To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, drains, or ditches in any manner whatever.

Horse-racing

Ninth. To prevent and punish horse-racing and immoderate driving or riding in any street or over any bridge, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street or over any bridge.

Bathing.

Tenth. To prohibit or regulate bathing in any public water, and to provide for cleansing Flint river and Farmer's creek of any obstructions to the channel thereof or of nuisances therein.

Vagrants.

Eleventh. To restrain and punish drunken persons, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever.

Pounds.

Twelfth. To establish and regulate one or more pounds and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding the same.

Dogs.

Thirteenth. To prevent and regulate the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets.

Fourteenth. To prevent any person from burying and deposit-^{Offensive substances} ing within the limits of the city any dead carcass or other unwholesome or offensive substances, and to require the removal and destruction thereof; and if any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the city.

Fifteenth. To compel all persons to keep the sidewalks in ^{Clearing of sidewalks.} front of the premises owned or occupied by them, clear of snow, dirt, wood, or any other obstruction.

Sixteenth. To regulate the ringing of bells, and the crying of ^{Ring of bells.} goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets.

Seventeenth. To prescribe the powers and duties of watchmen, ^{Watchmen.} and the fines and penalties for their delinquencies.

Eighteenth. To regulate and establish the line upon which ^{Building lines.} buildings may be erected upon any street, lane or alley in said city, and to compel the erection of such buildings upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars.

Nineteenth. To regulate the burial of the dead, and to compel ^{Burial of the dead.} the keeping and return of bills of mortality.

Twentieth. To establish, order and regulate the markets, to ^{Markets.} regulate the vending of wood, meats, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license: *Provided,* That nothing herein contained shall authorize ^{Proviso.} the common council to restrict in any way the sale of fresh and wholesome meats by the quarter, within the limits of the city.

Twenty-first. To provide for the taking of a census of the ^{Census.} inhabitants of said city whenever they may see fit, and to direct and regulate the same.

Twenty-second. To establish, regulate and preserve public ^{Public reservoirs.} reservoirs, wells and pumps, and to prevent the waste of water.

Twenty-third. To regulate sextons and undertakers for the ^{Sextons} burying of the dead; to regulate cartmen and their carts,

hackney carriages and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license.

Runners
and stage
drivers.

Twenty-fourth. To prevent runners, stage drivers and others from soliciting passengers or others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel or otherwise.

Lighting
streets.

Twenty-fifth. Concerning the lighting of streets and alleys, and the protection and safety of public lamps.

Peddling.

Twenty-sixth. To regulate and restrain hawking and peddling in the streets, and to regulate pawn brokers.

Duties of
appointed
officers.

Twenty-seventh. To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in case not otherwise provided by law.

Purity of
waters.

Twenty-eighth. To preserve the purity of the waters of all streams within the limits of said city; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient.

Stands for
carriages.

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city, and to do all other acts which may be necessary to fully carry out the powers conferred by this act.

Boundaries
of streets.

Sec. 46. The common council may ascertain, establish and settle the boundaries of all streets and alleys in said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act in relation to highways, common or other schools, the prevention of fires, the levying of taxes, the supplying the city with water, and all other subjects of municipal regulation not herein expressly

Provido.

provided: *Provided*, That the streets, alleys, commons, cemeteries now platted and existing in the village of Lapeer, shall be

and remain legal as heretofore until the action of the common council shall or may alter the same: *Provided also*, That nothing in this act shall be so construed as to alter the law relating to union school district number two, of the township of Lapeer now so called, except that said district shall hereafter be known and designated as union school district of the city of Lapeer, and shall include the entire territory of said city, and the money raised by, and collection for said district, shall be paid by the ward treasurers to the city treasurer, to be by him paid on the order of the proper authority of said district.

Sec. 47. The common council shall also have power, by ordinance or otherwise, to require the owners of any mill-race ^{Covering of mill-races.} within said city hereafter to be constructed to cover the same with bridges or arches, to be constructed with such materials as the common council shall direct, or they may direct the same to be covered in the same manner as other public improvements are directed to be made.

Sec. 48. Whenever the owner or occupant of any such mill-race shall neglect or refuse within such time as the common council shall direct or appoint, to cover such mill-race, in the manner and with the materials by them directed, it shall be lawful for the common council to cause the same to be done at the expense of the city, and to recover the expenses thereof, with damages at the rate of ten per cent., with cost of suit, from such owner or occupant; and such mill-race and such covering shall be liable to sale on execution for such expenses, damages and costs, and the same shall be a lien on such mill-race and covering from the time such work is done thereon. ^{Causing work done and assessing expense on owners.}

Sec. 49. When by the provisions of this act the common council shall have authority to pass ordinances on any subject, they may prescribe the penalty, not exceeding one hundred dollars (unless the imposition of a greater penalty be herein otherwise provided) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed shall be imprisoned in the county jail of Lapeer county for a time not exceeding one hundred days, or in case the imprisonment ^{Penalties.} ^{Imprisonment in jail.}

is more than thirty days it may be in the house of correction at Detroit, which penalties may be sued for and recovered, with costs, in the name of the city of Lapeer.

When ordinance imposing penalty to take effect.

Sec. 50. No ordinance of the common council imposing a penalty shall take effect until after the expiration of at least fifteen days after the first publication thereof in a newspaper published in said city.

How ordinances may be read in evidence.

Sec. 51. A record or entry made by the clerk of said city, or a copy of such record or entry duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence in all courts of justice and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either—

First. From a copy certified by the clerk of the city under his hand; or,

Second. From the volume or book of ordinances written or printed by authority of the common council.

What deemed a sufficient publication.

Sec. 52. Whenever the common council are required by law to make publication of any notices or ordinances, resolutions or proceedings in one or more newspapers of said city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper published in said city.

Cemeteries; power of council to purchase lots for.

Sec. 53. The common council shall have power to purchase and hold a suitable lot or lots of land within or without the limits of said city for the purpose of a cemetery or cemeteries, and they shall make such rules and regulations regarding the same as they may deem necessary; and they may cause the same to be surveyed into suitable lots, and may dispose of such lots to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed in the corporate name of said city, which deed shall be signed by the mayor and clerk.

Council to pass rules for government of.

Sec. 54. The common council shall make such rules and regulations for the care and government of such cemeteries so purchased or in any way held, or within the limits of said city as they shall deem proper.

Sec. 55. The common council shall have power, whenever in their opinion the necessities of the city require, to construct a city watch house, city hall, and city market, and to appoint the keepers, clerks, and necessary officers thereof, and may locate such city watch house, city hall, and city market or markets within or without the city limits, and make such regulations concerning the same as they may think proper.

When city watch-house may be constructed.

Sec. 56. *First.* The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages, in relation to tavern keepers and common victualers, and subject to the same conditions and limitations in addition to the powers herein otherwise granted; and the general laws of this State now in force, or which may be hereafter enacted in relation to the regulations of taverns, groceries and common victualers, shall be deemed applicable to said city, unless otherwise limited.

Council to regulate all groceries, etc.

General laws of the State to be applicable in city.

Second. No person shall engage in or exercise the business or occupation of tavern keeper, inn holder, common victualer or saloon keeper within the limits of said city, until he is first licensed as such by the common council; and any person who shall assume to exercise such business or occupation without having first obtained such license, shall forfeit and pay for every day he shall so exercise such business or occupation, the sum of three dollars, to be recovered in an action of debt in the name of the city of Lapeer, before any justice of the peace of said city, together with the cost of prosecution, to be taxed.

Tavern-keepers and others to obtain license.

Sec. 57. The common council shall have power to grant licenses to authorize persons to exercise the business of tavern keeper, inn holder, common victualer or saloon keeper within said city, and may impose such fees to be paid into the city treasury, on the granting of said licenses as they may see fit.

Council to grant licenses.

Sec. 58. The city clerk shall be the sealer of weights and measures of said city, and shall perform all the duties of township

Sealer of weights and measures.

clerk, so far as the same apply to the sealing of weights and measures, and the laws of this State relating to the sealing of weights and measures shall apply to said city.

Annual
statement;
contents of

Sec. 59. On the last Tuesday before the third Monday of April in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and which shall not have been audited previously; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the object and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for general and contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes, and assessments for opening, paving, planking, graveling, repairing, altering and grading streets, and building and repairing bridges; the amount of money borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

To be signed
by mayor
and recorder
and pub-
lished.

Sec. 60. The said statement shall be signed by the mayor and clerk, and filed with the papers of the city; the same shall be published by the clerk at the expense of the city, in some newspaper thereof, to be designated by the common council as they shall elect, previous to the third Monday of April thereafter.

Mayor;
powers and
duties of.

Sec. 61. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient, to expedite such measures as shall be resolved upon by them, and in general to

maintain the peace and good order and advance the prosperity of the city.

Sec. 62. All official bonds of the city shall be deposited with the city clerk for safe keeping, and it shall be his duty to deliver the same to his successor in office. Clerk to keep all bonds.

Sec. 63. It shall be the duty of every alderman to attend the regular and special meetings of the common council, to act upon committees when thereunto appointed by the mayor or common council, to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of the city, to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, to maintain peace and good order, and to perform all other duties required of them by this act. Duties of aldermen.

Sec. 64. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the public peace, and as such shall each have and exercise all the power and authority of justices of the peace in criminal cases, and in enforcing the laws of this State relating to the police thereof, but shall have no jurisdiction in civil cases, other than such as by this act shall be expressly conferred upon them or either of them. Mayor and aldermen to be conservators of the public peace

Sec. 65. The accounts and demands of all persons against the city shall, when required by any member of the common council, be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of said common council. Accounts to be verified by affidavit.

Sec. 66. The clerk shall keep the corporate seal and all the files and papers belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein stated and con- Officers; powers and duties of Clerk.

To countersign licenses

tained; he shall countersign all licenses granted for any purpose whatever, by the mayor or common council, and shall enter in an appropriate book, the name of every person or company to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which the same is to continue in force, and the sum paid for such license; no license, for any purpose granted, shall be valid until thus countersigned by the clerk; the clerk shall also perform such other duties as this act shall direct, or which may be directed by ordinance of the common council. The clerk shall appoint a deputy, to be approved by the common council; and such deputy shall, in the absence or inability of the clerk to perform the duties of his office, perform all the duties of the clerk as fully as the clerk might or could of right do the same.

To appoint a deputy.

Treasurer to keep all moneys.

Sec. 67. The treasurer shall receive all moneys belonging to the city and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct. All moneys drawn from the treasury shall be drawn in pursuance of an order of the common council, by warrant signed by the clerk and countersigned by the mayor. Such warrant shall specify for what purpose the amount named therein is to be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, all orders drawn upon the treasury in a check book, to be kept by him for that purpose. The books and accounts of the treasurer shall be at all reasonable hours open to the inspection of any elector of said city; the treasurer shall exhibit to the common council, at the last regular meeting thereof before the third Monday of April, a full and fair account of the receipts and expenditures since and after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found correct, shall be filed and published in the same manner as provided for in section forty-one of this act.

To keep books and accounts open for inspection.

Sec. 68. The attorney or counselor of the city shall perform ^{City} such duties and exercise such powers as shall be assigned to ^{attorney.} him by the common council by ordinance duly enacted.

Sec. 69. The city marshal shall be superintendent of the city, ^{City marshal} and it shall be his duty to superintend, when by the common ^{to superin-} council called upon to do so, and under the general direction ^{tend all work} of the common council, all work to be done or performed upon ^{on streets.} or in relation to any of the public streets, walks, bridges, sewers, reservoirs, or grounds of said city, and to perform such other duties as by this act or by ordinances or resolutions of the common council shall be required, and he shall have the power ^{To serve} of a sheriff or constable for the service of a criminal process, ^{criminal} and to serve all process for the purpose of enforcing any of the ^{process.} ordinances or penalties prescribed thereby.

Sec. 70. The justices of the peace of said city shall file their ^{Justices of} oaths of office in the office of the clerk of Lapeer county, and ^{the peace;} shall have, in addition to the jurisdiction conferred upon them ^{jurisdiction} by this act in relation to said city, the same general jurisdiction, powers and duties conferred on justices of the peace in townships; and all actions within the jurisdiction of justices of the peace under and by virtue of the laws of this State, may be ^{Actions in} commenced and prosecuted in said justices' courts when the ^{courts of} plaintiff or defendant or one of the plaintiffs or defendants reside in said city, or either of the townships adjoining said city, or in the townships next adjoining the townships of Lapeer, Elba or Mayfield, and also when the plaintiff or plaintiffs or defendant or defendants, or either of the plaintiffs or defendants are not residents of Lapeer county.

Sec. 71. It shall be the duty of the justices of the peace of ^{Where} said city to keep their offices within said city, and attend to all ^{offices of,} complaints of a criminal nature which may properly come ^{shall be kept} before them; and they shall receive for their services such fees as are allowed by law to justices of the peace in townships, and when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

All fines and penalties to be paid into treasury.

Sec. 72. All fines, penalties and forfeitures recovered before any of said justices of the peace for violation of any ordinance shall, when collected, be paid into the city treasury, and each of said justices shall report to the common council at the first regular meeting thereof in each month, during the time in which he shall perform the duties of such justice, the number and name of every person against whom a judgment shall have been rendered by him as such justice, for such fine, penalty or forfeiture, and all moneys by him received for and on account thereof, which moneys so received or which may be in his hands shall be paid into the city treasury on the first Monday of each and every month, during the time such justice shall exercise the duties of his office, and for any neglect in this particular he may be suspended or removed as herein provided.

Justices to keep record of persons against whom judgment is rendered.

Council to require bond of justices.

Sec. 73. The common council are hereby empowered to require of the justices of the peace of said city, and such justices are hereby required to give, when so required, such bond not exceeding in penalty the sum of one hundred dollars, for the faithful observance of the duties required by the last preceding section.

Constables; fees of.

Sec. 74. The constables of said city shall have and receive the same fees, and have the like powers and authority in matters of civil and criminal nature as are conferred by the law of this State upon constables in townships, and shall give like security; and they shall have power to serve all processes issued for breach of any ordinance of the city.

To obey orders of mayor.

Sec. 75. The constables of said city shall obey the orders of the mayor or alderman, or of any person legally exercising criminal jurisdiction of a justice of the peace in said city, and in case of neglect or refusal so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Expenses of convicting offenders; how paid.

Sec. 76. The expenses of apprehending, examining and committing offenders against any law of this State in said city, and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Lapeer, in the same manner

as if such expenses had been incurred in any township of said county.

Sec. 77. The physician of the city, the fire wardens and other officers of said city, whose duties are not specifically set forth in this act, shall perform such duties, and if required shall give and file such securities as the common council shall by ordinance direct.

Duties of city physician, fire wardens and other officers

Sec. 78. The common council shall have power to determine the salary or compensation to be paid to the several officers of said city, within the limits herein otherwise prescribed, which shall be as follows, to wit: To the mayor a sum not exceeding five dollars per annum; to the city clerk a sum not exceeding fifty dollars per annum, over and above his fees and perquisites prescribed by law; to the city treasurer a sum not exceeding fifty dollars per annum; to the marshal, as superintendent of streets and highways, a sum not exceeding one dollar and fifty cents per day, and at that rate for any part of a day, for every day actually spent by him in the performance of such duties; to each alderman a sum not exceeding five dollars per annum; to the city attorney a sum not exceeding fifty dollars per annum; and they may establish the fees or compensation of all other officers appointed by them whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Compensation of officers.

Sec. 79. The common council shall settle and allow all accounts and demands properly chargeable against said city, as well of its officers as of other persons, and shall have authority to provide means for the payment of the same, and for paying the contingent expenses of said city, subject only to the limitations and restrictions in this act contained.

Council to settle city accounts.

Sec. 80. For the purpose of defraying the expenses and liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied on the real and personal property within said city, such sum as they may deem necessary, not exceeding one-half (except as hereinafter provided) of one per cent. on the valuation of such real and per-

Expenses of city; how assessed.

sonal estate within the limits of said city, according to the valuation thereof taken from the assessment roll or rolls of that year, and the sum or sums so to be raised shall be apportioned between the several wards of the city, according to the amount of such real and personal estate in the respective wards, as shown by the assessment rolls thereof for said year, in the manner provided by this act.

Ward treasurers to collect taxes.

Bonds and securities of.

Powers and duties of.

Sec. 81. The respective ward treasurers of said city shall collect all taxes levied or assessed in said city and apportioned to said ward or wards, and for that purpose each of said treasurers shall give a bond to the city in such sum, and with such sureties as the common council shall require and approve; and such treasurers shall each give to the treasurer of Lapeer county such further or other security as is now or may hereafter be required by law of the several township treasurers of the several townships of this State; and for the purpose of the collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said treasurers respectively, on giving the bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall perform such other duties respecting the collection and return of taxes as this act imposes, and as may be required by the common council by ordinance.

Ward supervisors; duties of.

Sec. 82. The supervisors of the respective wards shall represent such ward in the board of supervisors of the county, and shall be entitled to all the rights, privileges, and powers, and shall be subject to all the obligations of supervisors of townships.

To complete ward tax rolls.

Sec. 83. The supervisor of each ward shall complete the tax roll of such ward, and deliver the same, with his warrant, to the treasurer of such ward, with the respective taxes levied and specified as is required by this act and the laws of this State, within the time required by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by

Proviso.

such treasurer as required by law or in this act provided; but Proceedings when proper security is not given. if such security shall not have been given by such treasurer in the manner and within the time required, the common council shall immediately appoint some suitable person, who will give the requisite security, to collect such tax rolls; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon in the same manner, and shall have all the powers, and shall perform all the duties, and shall be subject to all the liabilities in this act conferred upon the treasurer for the purpose of the collection and return and paying over such taxes.

Sec. 84. For the collection of all such taxes, the treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council, by ordinance, not exceeding four per cent. upon the sum to be collected, which sum shall be added to the computation of taxes on said tax rolls of the respective wards of said city. Percentage allowed for collecting taxes.

Sec. 85. The supervisor of each ward shall, in each and every year, make and complete the assessment of all real and personal property within such ward in said city in the same manner, and before the fourth Monday in May, as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of supervisors of the several townships of this State performing like services; and in all other respects within said city, shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes; and shall also in each year, within twenty days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the city clerk of said city a true and certified copy of the assessment rolls of such ward for each year, and such city clerk shall receive and file the same in his Ward supervisors to complete assessment of real and personal property. To conform to laws governing township supervisors. To file certified copy of rolls with city clerk.

When shall meet.

office. It shall be the duty of the supervisors of the several wards of said city to meet at the city clerk's office on the Saturday next preceding the fourth Monday of May in each year, who shall be a board for the purpose of reviewing, correcting, equalizing, and completing the assessment for each of the wards of said city.

Council to decide what amount shall be raised by tax.

Sec. 86. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of November in each year, to determine by resolution the amount necessary to be raised for city purposes within said city for such year, and to apportion the same to and between the respective wards of said city according to and in proportion to the total valuation of the real and personal property within such ward as appears by the respective assessment rolls thereof; and it shall be the duty of the city clerk to certify the amount so apportioned to each ward respectively, to the supervisor of such ward, on or before the first Monday of November in each and every year; and it is hereby made the duty of said supervisors respectively to levy the same so apportioned, and such other taxes as may be required by law, upon the taxable property of such ward in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Supervisors to levy taxes

Taxes to remain a lien on property.

Sec. 87. The taxes so levied for city purposes shall be and remain a lien upon the property on which the same is levied, in the same cases, to the same extent, and in like manner as taxes required by law to be levied on property in the several townships of this State are liens upon such property; and all the provisions of law respecting the return and sale of property for the non-payment of taxes for State, county, and township purposes shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

Proceeds of sales of delinquent property to be paid to treasurer.

Sec. 88. The net proceeds of the sales of all property delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Lapeer, whenever required by the city treasurer, and the net proceeds

of all sums paid to the said treasurer of Lapeer county, before sale on account of property within said city returned delinquent for the non-payment of city taxes, shall in like manner be paid to said city treasurer.

Sec. 89. For the purchase and improvement of a city cemetery or cemeteries the common council may borrow on the faith and credit of the city a sum not exceeding three thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent. per annum, payable annually, and for that purpose may issue the bonds of the city, signed by the mayor and countersigned by the clerk, and in such form and such sums (not exceeding in the aggregate the sum of three thousand dollars) as the common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not less than their par value; and the avails shall be applied in the purchase and improvement of a city cemetery or cemeteries and the necessary appurtenances, and for no other purpose whatever: *Provided*, That no such loan shall be effected by the common council without first having obtained a vote of a majority of the freeholders of said city, at a meeting to be called for that purpose, after having given ten days' public notice of the same, and of the place and object of such meeting, and of the time thereof, by publishing the same in a newspaper of said city, and by posting a copy of such notice in two public places in each ward of said city.

Council authorized to establish city cemetery

To issue bonds.

Provide.

Sec. 90. It shall not be lawful for the common council (except as herein otherwise provided) to borrow any money or authorize the creation of any liability or indebtedness against said city, in any one year, exceeding in the aggregate the amount which, by this act, may be raised by tax for such year, except for council room; and in case any sum or sums of money shall be borrowed by said common council in any one year, or the said common council, or any officer thereof, shall enter into any contract or contracts for the payment of money binding upon said city, the same shall be paid out of the sums

Money; what am't council may borrow.

All money to be applied to purposes for which it was borrow'd

raised by tax for such year, except council room, if the payment thereof is not otherwise provided; and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other; but nothing in this act contained shall be construed to prohibit said common council from making assessments, and levying and collecting taxes for the purpose of local improvement, nor to prohibit said common council from levying taxes on the whole city to defray the expenses of improving streets otherwise than by the highway or street tax so called.

Restrictions on council not to apply to paying interest on loan, etc.

Sec. 91. The restrictions on said common council in regard to raising moneys for defraying the expenses of said city, shall not apply to, nor include the necessary sums to be raised for the payment of the principal or interest on any loans made for the purchase and improvement of a city cemetery or cemeteries, nor for any loans made for the purchase of grounds for a city hall and the building of such city hall, or for the payment of the interest or principal of any loan made for the purchase of grounds for a public park, or for the payment of the interest or principal of any loans made for the purchase of fire-engines, with their hose and other apparatus, or for the building of any engine house.

Director of union school to certify amount to be raised by tax.

Sec. 92. It shall be the duty of the director of the union school district of said city, on or before the last Saturday before the first Monday of November in each year, to certify to the city clerk the amount voted by the electors of said district to be raised by tax for such year in said district, at the annual school meeting for such year of said district; and it shall be the duty of the common council to apportion such amount to be raised among the several wards, in the same manner and within the same time as required in regard to other sums to be raised by tax in said city.

Power of council to issue bonds for purchasing cemetery lots, etc.

Sec. 93. The common council shall have power to borrow money on the bonds of said city, to an amount not exceeding three thousand dollars, on time and terms, and negotiated in the manner prescribed in this act in relation to the purchase

and improvement of a city cemetery or cemeteries, for the purpose of purchasing a lot or lots, and for erecting thereon a city hall for the use of said city; and the common council shall have power to borrow money on the bonds of the city to an amount not exceeding three thousand dollars, in the manner and on such time and terms as before stated, for the purpose of purchasing lands or premises for a public park, which lots, lands or premises so purchased for city hall purposes, or for a public park, shall be under the control of the common council.

Grounds for public park.

Sec. 94. All the rights now belonging to the village of Lapeer, and all the by-laws and ordinances, and all the obligations, and all the streets, alleys, rights and privileges of said village, shall be and remain, accrue, and belong to the said city of Lapeer, so far as the same are not repugnant to the provisions of this act, and until the same be altered, amended or repealed by the common council of said city.

City to hold all village rights.

Sec. 95. The next annual township meeting of the township of Lapeer shall be held at the Newark school-house, so called, in said township of Lapeer, and the present township clerk shall give notice of such meeting by posting notices thereof in at least three public places in said township.

Where next township meeting shall be held

Sec. 96. The supervisor of the respective wards in said city shall have all the powers and perform all the duties in regard to the relief of poor persons, exercised by and imposed upon supervisors in townships; and in all other respects said supervisors shall have the powers and perform the duties of supervisors in townships, except so far as such powers and duties may be otherwise defined in this act.

Ward supervisors to have powers of township supervisors.

Sec. 97. The warrant of the supervisor to the treasurer of the respective wards shall state the sum to be raised for city purposes, but need not state the different sums and objects for which the same is raised.

Contents of warrant of supervisor to treasurer.

Sec. 98. In making out said tax roll, the same form shall be used by the supervisor as is required by law to be used in

Form of tax roll.

townships, the city tax to be put in the column designated township taxes.

How money
shall be
raised.

Sec. 99. All sums of money [directed] to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real and personal estate in said city, according to the valuation of the same on the assessment rolls

What prop-
erty exempt
from taxat'n

of the city; but no real or personal property which may be exempt from taxation by the general laws of this State, nor any public square, park, or other public ground, shall be assessed for the ordinary city or county taxes.

Council to
create sink-
ing fund.

Sec. 100. Whenever, by the provisions of this act, the common council shall be authorized to issue city bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof, which fund shall be raised by a direct tax, which shall not exceed in any one year one mill on the dollar on the valuation of the real and personal property within said city, and which shall be levied and collected in the same manner as other city taxes of said city are levied and collected, and when so collected the same shall be applied to the credit of said sinking fund, for the purpose of paying off the interest or principal of the debt so created, as the same becomes due.

How fund
shall be
raised

Money; how
drawn from
treasury.

Sec. 101. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall have been drawn, and all ordinances, resolutions, and orders directing the payment of money shall specify the object and purposes of such payment, which shall be certified by the clerk and countersigned by the mayor before the same shall be paid by the treasurer.

Treasurer to
make report
monthly.

Sec. 102. The treasurer shall, at the first regular meeting of the common council in each month, make report of the finances of said city, showing what appropriations have been made out of each of the several funds of said city since his last pre-

ceding report, and the state of each of said funds, if required by the common council or any two members thereof.

Sec. 103. The common council of the city of Lapeer shall have ^{Council to lay out streets, walks, etc.} power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate or abolish any highways, streets, avenues, alleys, lanes, public grounds or spaces within said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but ^{To award damages.} the necessity for using such property, a just compensation to be paid for the same, and the damages accruing to any person from the making of said improvements shall be ascertained in the same manner, as near as may be, as such necessity, compensation, and damage are or may be hereafter ascertained in the townships of this State; and appeals may be taken to the ^{Right of appeal from.} circuit court for the county of Lapeer in like manner, as far as practicable, and not otherwise provided in this act, as appeals are now or may be hereafter by law taken from the decisions of highway commissioners in townships, and the circuit court is hereby authorized and empowered to hear and determine said appeal.

Sec. 104. The common council shall be commissioners of ^{To be commissioners of highways.} highways for said city, and shall have the care and supervision of the highways, streets, bridges, lanes, alleys, parks, and public grounds therein, and to cause the same to be repaired, cleansed, improved, and secured from time to time, as may be necessary; to regulate the roads, streets, highways, alleys, lanes, ^{To regulate roads.} and parks already laid out, or which may be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this act; to cause such of the ^{To cause streets to be described.} streets and highways in said city as shall have been used for six years or more as public highways and streets, which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the city clerk of said city in the book of street records; and the recording of such highways, streets, lanes or public grounds so ascertained and described, or which shall be hereafter laid out and

Street records to be used as evidence.

established by the common council, and recorded in the book of street records, in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described.

Council to cause sewers to be made.

Sec. 105. The common council shall have power to cause common sewers, drains and vats, arches and bridges, walls, pumps, and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering with broken or pounded stone, plank or other material, any street, lane, alley, highway, public ground or sidewalk of said city.

May discontinue any streets.

Sec. 106. The common council shall have the same power in relation to discontinuing any street, highway, lane or alley in said city, in addition to the power heretofore granted, which the commissioners of highways in townships have, or may hereafter receive, in relation to town highways; and they may adopt the same proceedings to effect such object, as near as may be, as the commissioners of highways in townships are or may be by law required to adopt, and appeals may be taken as heretofore provided in this act.

Proceedings when property is to be assessed for public improvement.

Sec. 107. Whenever the common council shall determine that the whole or any part of the expense of any public improvement, not requiring the taking of any land by the said city, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes, whether the whole or what portion thereof shall be assessed to such owners or occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvements; the costs and expenses of making the estimates, plans and assessments incidental thereto, shall be included in the estimated expenses of such improvement.

Sec. 108. The common council shall thereupon make an order, reciting the public improvement so as aforesaid intended to be made, the amount of expenses to be assessed as aforesaid, and the portion or part of the city on which the same is to be assessed, designating and directing three resident freeholders of said city, not interested in any of the property so benefited, nor of kin to any person interested, to make an assessment upon all the owners or occupants of lands or houses within the portion or part so designated, of the amount of expense in proportion, as nearly as may be, to the advantage which each shall be deemed to acquire by making such improvements, which order shall be certified by the clerk of the city and delivered to one of said commissioners, together with a map or profile of the proposed improvement, in cases where the same is practicable.

Order;
council to
make out.

Contents of

Sec. 109. It shall be the duty of said commissioners so designated and appointed by the common council, to meet together at such time and place as the common council shall appoint, or in case the said council do not appoint, as said commissioners shall themselves agree upon; and thereupon said commissioners shall severally take and subscribe an oath before some officer by law authorized to administer the same, that they are not interested in the premises described in said order, and not of kin to any person so interested, and that they will faithfully and impartially discharge the duty imposed upon them by said order, which said oath shall forthwith be returned to and filed with the city clerk. In case any such commissioner shall not be able to take such oath, the city clerk shall forthwith return that fact to the common council, and the common council shall thereupon appoint one or more commissioners not interested, and not of kin as aforesaid, to make the number three, and proceed in like manner until three commissioners are sworn as aforesaid.

Commission-
ers; when
shall meet.

Oaths of

Action when
cannot take
oath.

Sec. 110. The commissioners thus sworn shall proceed to make an assessment according to said order, and shall make out an assessment roll in which shall be entered the names of

To make out
assessment
roll.

Contents of
roll.

the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots are unoccupied, belonging to any person residing in said city, such person shall be assessed for the same and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident, or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises as is required by law in assessment rolls made by supervisors of towns, with the value thereof and the amount assessed thereon, which assessment shall be subscribed by them or a majority of them who acted in the premises, and returned as speedily as may be to the common council of said city.

Compensation
of commis-
sioners.

Sec. 111. The said commissioners shall receive such compensation for their services as shall be allowed them by the common council, to be paid out of the contingent fund of said city, not exceeding one dollar and fifty cents for each day.

Notice
of time for
appeals from
assessment.

Sec. 112. Upon such return being made and filed, the clerk of the city shall cause notice that the common council will, on such day as they shall designate, proceed to hear any appeals from said assessment, which said notice shall contain the names of those persons having been so assessed, and shall be published in a newspaper of said city at least ten days previous to the day so designated for said meeting.

When cor-
rections may
be made.

Sec. 113. At the day appointed for that purpose, and such other days as the hearing shall be adjourned to, the common council shall hear the proofs and allegations of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same persons or by such other persons as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment, or the common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Sec. 114. Every assessment so ratified and confirmed by the common council as aforesaid shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the marshal to collect the same within the time prescribed by the resolution of the common council, and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said marshal within ten days afterwards, who shall thereupon be authorized to levy and collect the same by distress and sale of personal property upon such premises or in possession of the person chargeable with such tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the marshal shall, within five days after the time prescribed by his warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, which he was unable, for the want of personal property to levy and collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk shall, within five days thereafter, in like manner notify the supervisor of the ward in which such premises assessed are situated, of the amount of such taxes and the description of the premises chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll next thereafter to be made, and such tax shall then be levied, collected, and returned, and the said premises may be sold for non-payment thereof as provided by law for the non-payment of the ordinary taxes of said city.

Assessment to be lien on premises assessed.

Roll delivered to marshal.

Return of unpaid taxes.

Clerk to notify ward supervisors of.

Sec. 115. In cases where there is no agreement to the contrary, the owner of land, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment, made for the expense of any public improvement in said city.

Who to pay assessment on land.

Right of persons to sue others for taxes.

Sec. 116. Where any such assessment shall be made, assessed, or be paid by any person, when by agreement or by law the same ought to be paid or borne by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same, the amount so paid with interest.

Agreements not to be affected.

Sec. 117. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant, or other person, respecting the payment of any such assessments.

Taxes to remain a lien on real estate.

Sec. 118. Every tax or assessment for public improvements, or for other purposes authorized by this act, except as herein otherwise provided, assessed upon any lands, tenements or real estate, or upon the owners or occupants thereof, shall be and remain a lien upon such land, tenements and real estate, on which or in respect to which the same shall be made, from the time of filing the roll containing the same with the city clerk until the same shall be paid and satisfied.

Owners required to build walks, etc.

Sec. 119. Whenever the common council shall deem it expedient to construct any sidewalk, or pavement, or gravel any street within said city, they may, by ordinance or otherwise, require the owner or occupant of any lot or house adjoining said street to lay such sidewalk, or construct such pavement, or gravel such street to the middle of said street in front of his or her house or lot, or they may direct such sidewalks and pavements and such streets to be graveled, to be made according to the provisions of this act. The common council may, in like manner, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, of land in said city, or in any specified part thereof, to repair, maintain and reconstruct sidewalks, pavements and street improvements adjoining their respective premises, to the width of the street or alley, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any tenant or occupant may be thus subjected, may be collected by him of the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be

To repair walks and pavements.

bound to bear such expense by the terms of the agreement under which he holds the premises.

Sec. 120. Whenever the owner or occupant of any house or lot shall refuse or neglect, within such time as the common council shall have appointed, to conform to any regulation made by said council for widening streets, or for any other purpose, it shall be lawful for such common council to cause such regulations to be enforced at the expense of the city, and to recover the amount of such expenses, with damages at the rate of fifteen per cent., with costs of suit, from the owner or occupant of such house or lot whose duty it was to conform to such regulation, or may add thereto fifteen per cent. and return the same to be assessed and collected in the same manner as the ordinary city taxes are collected, and the same shall be a lien on the lot or premises to which the same is assessed, the same as any other taxes.

Sec. 121. The common council are authorized to assess the lands of non-residents of said city their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances; and the said expenses shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of non-payment of the same, as in relation to the assessments for public improvements in the city, except as the common council may otherwise determine or direct. It shall in all cases be the duty of the owner of every lot or parcel of land in said city to keep the sidewalks adjoining his lot or piece of land in good repair, and also to remove and clear away all snow, ice, and other obstructions from the sidewalks. If any owner, after notice to do so shall be personally served or posted on the premises, or otherwise given or published as the common council may direct, by ordinance, resolution, or otherwise, shall fail or neglect so to do for such time, not less than twenty-four hours, as the common council, by general or special ordinance, resolution, or otherwise may fix, the common council may cause the same to be done at the expense of the

Proceedings
in case of
refusal by
owner.

Non-resident
lands to be
taxed.

Owners to
keep side-
walks clear.

Council to
order work
done, in case
of refusal or
neglect by
owner.

city, and may add such expenses, not exceeding thirty dollars on any one lot or piece of land in any one year, to the amount of the general city tax on such land in the next general assessment rolls of the city; and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and (if not paid or collected) the land sold therefor, as for general city taxes.

Poll tax;
who to pay.

Sec. 122. Every male inhabitant of said city, over the age of twenty-one years and under the age of fifty years, except as hereinafter provided, shall be assessed and pay a poll tax of one dollar each per annum.

Supervisors
to furnish
poll list.

Sec. 123. The supervisor of each ward of said city shall, on or before the fifteenth day of May in each year, furnish the common council with a list, subscribed by them respectively, of the names of all the inhabitants of each ward who shall be liable to be assessed for poll tax.

Street com-
missioner;
council to
appoint.

Sec. 124. The common council of said city shall appoint a street commissioner, who shall hold his office at their pleasure, who shall receive not to exceed one dollar and fifty cents for each day by him actually employed in the discharge of the duties of his office, as hereinafter imposed on him, and at the same rate for parts of a day so employed.

Duties of.

Sec. 125. The street commissioner shall act under the instructions and control of the common council, and shall superintend the work of making, building, improving, repairing, cleansing, and altering the streets, alleys, bridges, and other public works or improvements in the said city, all of which work shall be paid for out of the general fund of the city, by orders drawn upon accounts duly audited by the common council, and the money so expended in one year shall not exceed one-fourth of one per cent. of the assessed valuation of the property in said city on the assessment rolls thereof: *Provided*, The amount so expended shall be laid out in each ward in proportion to the assessed value of the property in the same, as near as may be.

Proviso.

Sec. 126. The common council are hereby authorized to regulate and direct all things in said city by ordinances not inconsistent with any of the provisions of this act and the laws of this State. Council to direct all things in city.

Sec. 127. The common council shall have power to require of any of the officers elected or appointed in said city, a bond or bonds for the faithful discharge of the duties of such office, and for the payment of any moneys that may come into his hands as such officer, and the form and penalty of such bonds may be prescribed by the common council, by ordinance or otherwise. To require bonds of all officers.

Sec. 128. The common council for the city shall have power to borrow for the time being, such sums of money as they may deem necessary, in anticipation of receipts from taxes, not exceeding two thousand dollars in any one year, for the purpose defraying the current expenses of said city and working on streets and bridges, and such sum or sums of money so borrowed shall be paid out of the taxes raised for that year. To borrow money.

Sec. 129. It shall be the duty of the clerk or acting clerk of the first election to notify the respective persons elected of their election within two days after such election; and the inspectors of said first election shall meet on the first Wednesday after the first Monday of April, one thousand eight hundred and sixty-nine, at the court house in said city, and ascertain the persons who have received the higher number of votes for the respective offices of said city, and they shall declare such persons elected, and notify them of such election within two days after such meeting. Clerk to notify persons of their election.

Sec. 130. For the canvassing of the votes for city officers the common council shall make such regulations as they may deem necessary for that purpose. Canvassing votes.

Sec. 131. The clerk of said city shall notify the county clerk of the election of constables in the respective wards of said city, and of the election of justices of the peace of said city, in the same manner and within the same time as is by law required of township clerks. City clerk to notify county clerk of election of constables, etc.

How personal property shall be sold for taxes.

Sec. 132. When the marshal or ward treasurer shall have levied upon any personal property for the non-payment of any tax or assessment in this act provided, he shall proceed to advertise and sell the same in the same manner and upon like notice as required by law in the levy and sale of personal property for non-payment of taxes by township treasurers.

Council to make regulations to guard against fire.

Sec. 133. For the purpose of guarding against the calamity of fire, the common council may from time to time, by ordinance, designate such portions and parts of said city as they shall deem proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and any person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars, and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and moved by such common council.

May require owners to have scuttles and ladders.

Sec. 134. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such buildings and houses, and stairs or ladders leading to the same; and whenever any penalty shall be recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with fifteen per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

To provide fire buckets.

Sec. 135. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, and within such time as they may prescribe, and may require such buckets to be produced at every fire.

Sec. 136. The common council may regulate and direct the construction of safe deposits of ashes, and may compel the cleaning of chimneys, flues, stove-pipes and all other conductors of smoke; and upon the neglect of the owner or occupant of any house, tenement or building of any description, having therein any chimneys, flues, stove-pipes, or other conductors of smoke, to clean the same as shall have been directed by an ordinance, the common council may cause the same to be cleansed, and may collect the expenses thereof, and fifteen per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

To direct in depositing ashes.

Cleaning chimneys, etc.

Sec. 137. The common council may regulate the use of lights and candles in livery stables and other buildings, in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings, and may regulate the transportation, keeping and deposit of gunpowder, or other dangerous or combustible materials, and regulate or prevent the carrying on of manufactories which are dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fire-place, stove-pipe, flue, chimney, or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous and liable to cause or promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

Use of lights in stables.

Depositing of gunpowder.

Sec. 138. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the city, and may appoint persons, at all reasonable times, to enter into and examine all dwelling houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in a safe condition, and may authorize such officers and persons to inspect all hearths fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make

Council to cause all dangerous buildings to be repaired.

the same safe at the expense of the owners or occupants of the building in which the same may be, and to ascertain the number and condition of fire buckets, and the situation of any building in respect to its exposure to fire, and whether scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city against fire.

To procure
fire engines.

Sec. 139. The common council may procure, own, build and keep in repair such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire hooks and fire buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fires, and such and so many public cisterns, wells and reservoirs of water as they from time to time shall judge necessary; and the common council shall have power, for the purpose of purchasing such fire engines, with their hose and other apparatus, and for the purpose of building such engine houses, to borrow money on the bonds of said city, to an amount not exceeding ten thousand dollars, on time and terms, and negotiated in the manner prescribed in this act in relation to the purchase and improvement of a city cemetery or cemeteries.

May borrow
money on
bonds of city

May organ-
ize fire de-
partment.

Sec. 140. The common council shall have power to organize said city into so many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, four fire wardens, a proper number of firemen, not exceeding sixty to one engine, such number of tub, hook and ladder men and such number of hose men as may be appointed by said common council, all to have the privileges and exemptions of firemen, and to hold the appointments during the pleasure of the common council.

Make rules
for govern-
ment of fire-
men.

Sec. 141. The common council may make rules and regulations for the government of said engineers, wardens, firemen, hook and ladder, tub and hose men; may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe

and regulate the time and manner of their exercise, and may impose reasonable fines for the breach of any such regulations.

Sec. 142. The engineers and fire wardens, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods to be prescribed by the common council, and to make such reports to the mayor, whenever required by him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the fact in all courts and places, on proof of the genuineness of such certificate.

Duties of engineers and fire wardens,

Sec. 143. The common council may, by ordinance, direct the manner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

Council to direct manner of ringing bells.

Sec. 144. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man may receive in his person or property in consequence of his exertions at any fire.

To provide compensation for injured firemen.

Sec. 145. The common council may by ordinance—

First. Prescribe the powers and duties of the engineers and wardens at fires, and in cases of alarms of fire, and may vest in them such powers as may be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires.

Prescribe duties of engineers and wardens at fires.

Second. To prescribe the powers and duties of the mayor and aldermen at such fires and alarms of fires, but in no case shall the mayor or any alderman control or direct the chief engineer or his assistants during any fire.

Of mayor and aldermen at fires.

To provide
for removal
of suspicious
persons.

Third. Provide for the removal and keeping away from such fires of all idle, disorderly, and suspicious persons, and may confer powers for that purpose on the engineers, fire wardens, and officers of the city.

Fire-buckets

Fourth. To provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof, by forming lines or ranks for the purpose of carrying water, and by all proper means to aid in the preservation, removal, and security of property exposed to danger of fire.

Marshal and
constables.

Fifth. To compel the marshal, constables, and watchmen of the city to be present at such fires, and to perform such duties as the common council shall prescribe.

Duties of
chief engi-
neer at fires.

Sec. 146. Whenever any building in said city shall be on fire, it shall be the duty and be lawful for the chief engineer, with the consent of the mayor or any alderman, to order and direct such building, or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person, or against the city, therefor; but any person interested in any such building so destroyed or injured, may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained; at the expiration of three months, if any application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for said damages, or, if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same, in the same manner as is provided by this act for the ascertaining, assessment, collection and payment of damages sustained by the taking land for the purpose of public improvement.

How owners
may recover
damages.

Commissioners
to examine
claims of
owners for.

Sec. 147. The commissioners appointed to appraise and assess the damages incurred by said claimant, by the pulling down or destruction of such building by the said officers of

the city, as above provided, shall take into account the probability of the same having been destroyed, and may report that no damage should be equitably allowed to such claimant.

Whenever a report shall be made and finally confirmed in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

Compliance with terms of report to be deemed full satisfaction.

Sec. 148. All money that shall be raised in the city for licenses to tavern keepers or common victualers, and for penalties for the violation of any of the city ordinances, shall be paid into the city treasury, and shall belong to and constitute a part of the fund of the city, and shall be deposited for safe keeping by the treasurer, as other moneys under his care, and accounts thereof shall be kept, and the same shall be drawn in the manner herein prescribed in relation to the funds of the city.

All license money to be paid into city treasury.

Sec. 149. The jurisdiction of the justice's court of said city shall extend to, and said court shall have original jurisdiction, and shall have power to hear, try and determine all civil actions arising in said city, wherein said city in its corporate capacity shall be a party, or any city or ward officer in his official character shall be a party, all charges, complaints, actions and prosecutions for the recovery of any and all forfeitures and penalties for any alleged violations or infringements of the acts of the Legislature of this State incorporating said city, except in cases where jurisdiction is especially given to some other court, all actions for alleged breaches or violations of any of the by-laws or ordinances of said city, except in cases where, by such by-laws and ordinances, jurisdiction is especially given to some other court, and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks, or other public improvements of the city, which court shall proceed according to and be governed by the general laws and rules of practice of this State, applicable to courts of justices of the peace.

Justices' courts in city; jurisdiction of.

Power to
commit to
prison.

Sec. 150. The courts of justice in said city shall have power to imprison in the jail of the county of Lapeer, and it is hereby made the duty of the keeper of said jail to receive such persons as are brought to his custody by authority of any of said courts or the common council, or any officer of said city authorized to commit such persons, in the same manner as any court of record of this State, or other competent authority is authorized to commit to said jail.

City justices
to be deem'd
county jus-
tices.

Sec. 151. Justices of the peace of said city, exercising civil jurisdiction, shall be deemed justices of the peace of the county of Lapeer, and shall be subject to the general laws of the State in relation to civil causes before justices of the peace, and appeals from their judgment may be made to the circuit court of Lapeer county in the same manner as appeals from justices' judgments in towns are made.

To have
same powers
as justices in
towns.

Sec. 152. The justices of the peace in said city shall have all the authority of justices of the peace in towns, in criminal matters, and shall have all the authority and perform all the duties hereinbefore provided and required of them, and shall hold a session of court daily if necessary.

Suits; how
brought.

Sec. 153. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council shall be brought in the name of the "City of Lapeer," under the direction of the common council, or of the attorney of said city; and no person being an inhabitant, freeman or freeholder of the said city shall be disqualified for that cause from acting as a judge, justice or juror in the trial or other proceedings in any suit brought to recover a forfeiture or penalty for the violation of any of the provisions of this act, or for the violation of any ordinance of the common council, nor from serving any process, summoning any jury in such suit, or from acting in any capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation the said city, or any city or ward officer is a party, or in which said city or ward officer

Citizens to
be comptent
as jurors.

is interested, nor shall any judge of any court be disqualified to hear and adjudicate on any appeal in any matter originating in said city, because he is an inhabitant thereof.

Sec. 154. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court for the county of Lapeer, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognition to the adverse party shall be necessary to be executed by or on behalf of the city.

Judgment
against city
may be re-
moved by
appeal.

Sec. 155. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of said city, may issue immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, to commit the defendant to the county jail for any term not exceeding ninety days, or until such execution shall have been paid and satisfied.

How execu-
tion shall
issue.

Sec. 156. The common council may direct any moneys that may have been recovered for penalties or forfeitures under said city ordinances, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits.

Council to
direct dispo-
sition of
fines and
penalties.

Sec. 157. All persons, being habitual drunkards, destitute, and without any visible means of support, or who, being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, being complained of by such families; all able bodied and sturdy beggars, who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place them-

Who deemed
vagrants.

selves in streets, highways, passages, or other public places, or beg or receive alms within the city, shall be deemed vagrants, and may, upon conviction before any justice of the peace in said city, be sentenced to imprisonment in the county jail of said county for any time not exceeding ninety days.

Who deemed
disorderly
persons.

Sec. 158. All persons who do run away, or threaten to run away, or abandon their wives or children in the city of Lapeer, or may neglect to provide, according to their means, for their wives or children, are hereby declared to be disorderly persons within the meaning of chapter forty-two of the compiled laws of this State, and may be proceeded against as such in the manner directed by said chapter; and it shall be the duty of the magistrate before whom such person may be brought for examination, to judge and determine from the facts and circumstances of the case, whether the conduct of such person amounts to such threats or abandonment, or neglect to provide for his wife or children.

Board of
health;
council to
appoint.

Sec. 159. It shall be the duty of the common council of said city to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and a competent physician to be health officer thereof.

Duties of.

Sec. 160. The said board of health shall have power, and it shall be their duty to take such measures as they may deem effectual, to prevent the entrance of any pestilential or infectious disease into the city, to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected with such a disease; to establish, maintain and regulate a pest house, or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to

To send dis-
eased pers'ns
to hospital.

cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest house or hospital, if the health physician and two other physicians of the city, including

The attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city ^{To remove infected goods.} or destroy any furniture, wearing apparel, goods, wares or merchandise, or other articles of property of any kind which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into such a state as to generate or propagate disease; to abate ^{To abate nuisances.} all nuisances of every description which are or may be injurious to the public health, in any way and any manner they may deem expedient, and from time to time to do all acts, make all regulations, pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers herein granted.

Sec. 161. The owner, driver, conductor, or person in charge of any stage coach, railroad car, or other public conveyance ^{Drivers of coaches, etc., to report persons sick with malignant diseases} which shall enter the city, having on board any person sick of a malignant fever, or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report, in writing, the fact, with the name of such person and the house or place where he was put down in the city, to the mayor or some member of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine or imprisonment.

Sec. 162. Any person who shall knowingly bring, or procure, ^{Persons bringing in tainted goods to be guilty of misdemeanor.} or cause to be brought into the city any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment.

Sec. 163. Every keeper of an inn, boarding house, or lodging ^{Inn-keepers to report all cases of sickness.} house in the city, who shall have in his house at any time a sick traveler, boatman or sailor, shall report the fact and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor or some officer or member of the board of health. Every physician in

the city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part of either of them, shall be a misdemeanor, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Fines to belong to city.

Sec. 164. All the fines imposed under the last five sections of this act shall belong to the city, and when collected shall be paid into the city treasury.

Council to order yards, etc., to be filled up.

Sec. 165. The common council shall have power to make such by-laws and ordinances as they from time to time shall deem necessary and proper for the filling up, draining, cleaning, and regulating any grounds, yards, basins, slips, or cellars within said city that shall be sunken, damp, foul, encumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of said city, to be done and executed at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed, and collected, and the lands charged therewith to be sold, in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws and ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred shall be briefly described in the assessment roll for general purposes of the city; and the sum of money assessed to the owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a

How exp'n's shall be paid

What am't of money may be assessed.

ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Sec. 166. Whenever in the opinion of the common council, Council to order the pulling down of dangerous buildings. any building, fence, or any other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which said building, fence, or other erection stands to take down the same, or any part thereof, within a reasonable time, to be fixed by their order, or immediately, as the case may require, or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Sec. 167. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings Clerk of board of health. thereof, and keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court, or before any officer. The compensation of the Compensation of. clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Sec. 168. The members of said board of health shall receive Members of board of health; compensation of. such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of the city.

Sec. 169. The common council, or the mayor or other officer Sureties of officers. whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination under oath, as to

their property; such oath may be administered by the mayor or any alderman of said city. The deposition of said surety shall be reduced to writing, and signed by him, and certified by the officer taking the same, and annexed to and filed with the bond or instrument to which it relates.

Mayor may
administer
oaths.

Sec. 170. The mayor or chairman of any committee, or special committee of the common council, shall have power to administer oaths or take any affidavit in respect to any matter pending before the common council or such committee.

Suits against
officers.

Sec. 171. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Process; how
served.

Sec. 172. All process issued against said city shall run against the city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city at least ten days before the day of appearance mentioned therein.

School
inspectors;
duties of.

Sec. 173. The school inspectors to be elected under this act, together with the city clerk, who shall be *ex officio* school inspector, shall perform all the duties and be every way subject to the general laws of this State applicable to school inspectors.

First elec-
tion; when
and where
held.

Sec. 174. The first election under this act shall be on the first Monday of April, eighteen hundred and sixty-nine. The places of holding such election shall be as follows, to wit: In the first ward, at the Marshall House; in the second ward, at the store of Tuttle & Gregory; in the third ward, at the store of Vincent & Smith, and in the fourth ward, at the court house in said city. At the first election the following persons shall be inspectors of election, to wit: In the first ward, Wm. W. Stickney, Stewart Gorton and Samuel J. Tomlinson; in the second ward, Enoch J. White, Alexander McLennan and Columbus Tuttle; in

the third ward, Jonathan R. White, Shadrach N. Vincent and Myron C. Kenny; in the fourth ward, Alonzo S. Hatch, Ward H. Jennings and Rodney G. Hart; and if the said inspectors shall not be present at the time and place of said election, the electors present shall choose *viva voce*, a sufficient number to make the number three, from the electors present, which said inspectors of election shall take the usual oath of office, and shall be clothed with all the powers of inspectors of elections under this act; no notice other than this act shall be necessary for said first election.

Sec. 175. This act shall be deemed a public act, and shall be Public act. favorably construed in all courts and places whatsoever, and all acts or parts of acts inconsistent with the provisions thereof, are hereby repealed.

Sec. 176. For the purpose of having a correct registration of Board of registration. the voters of said city at the said first election, the inspectors of election, as herein appointed, shall constitute a board of registration for their respective wards, and they shall have the authority to examine the township registry for the township of Lapeer, and copy therefrom all names on said township registry, resident in said wards respectively, into registry books to be by them provided at the expense of the city, and which said registry board shall meet on the last Saturday before the first Monday in April, one thousand eight hundred and sixty-nine, for the purpose of completing said registration of voters, and shall have the same powers as boards of registration now have, as provided by the laws of this State.

Sec. 177. That the mayor of the city of Lapeer shall have Power of mayor to execute deeds of conveyance, etc. and is hereby invested with power to execute deeds of conveyance to all persons who may, in their own right, hold certificates of purchase of land in the village of Lapeer, executed by the marshal of said village for delinquent taxes, in all cases where said lands are not redeemed in accordance with the laws of this State, and such deeds shall convey all the rights and interests that might have been conveyed if executed by the marshal of the village of Lapeer, if said village corporation of the

village of Lapeer still remained in full force; and such deeds, executed by the mayor of the city of Lapeer, as aforesaid, shall be *prima facie* evidence of the regularity of the proceedings thereon.

Certificate of purchase; how disposed of.

Sec. 178. Upon the execution of a deed, as herein provided, it shall be the duty of the mayor to write across the certificate of purchase the words, "canceled by deed," and date the same and sign his name officially thereto, which certificate shall be filed in the office of the city clerk. The mayor shall be allowed, as a compensation for the services rendered and expenses incurred in the execution of said deeds, the sum of fifty cents for each deed, to be paid by the person requiring such services.

Right of appeal.

Sec. 179. Any person who shall conceive himself aggrieved by any determination of the common council as to the necessity of laying out, altering or discontinuing any highway within said city, or their award of damages, may, within ten days after the determination of said council in regard to the same, appeal therefrom to the circuit court for the county of Lapeer, in accordance with the provisions of this act; and every such appeal shall be in writing, signed by the appellant and addressed to said common council and filed with the city clerk; and it shall be the duty of said city clerk, within ten days after taking said appeal, to transmit all the files and records, or certified copies thereof, to the clerk of the circuit court for the county of Lapeer, and the city clerk shall be entitled, as his fees for transmitting said records to said county clerk, the sum of one dollar, which shall be paid by said appellant before said transmission.

Clerk of circuit court to enter appeal in calendar.

Sec. 180. The clerk of said circuit court shall enter said appeal cause on the calendar, and said cause shall be noticed for trial in the same manner, as near as may be, as in appeal cases from justices' courts, and shall be tried and disposed of by said circuit court in the same manner, as near as may be, as other appeal cases: *Provided*, That if the decision, appraisal and award of said council from which the appeal is taken be confirmed, or if the award of damages shall be diminished, then,

Proviso.

in either case, the appellant shall pay the whole amount of costs of such appeal, said costs to be ascertained in the same manner as in other cases in the circuit court.

Sec. 181. All actions brought by said city to recover any penalty for the violation of any of the by-laws or ordinances of said common council which shall be commenced by summons, shall be brought in the name of the city of Lapeer, and said penalties may be recovered by said city in an action of debt or an action of trespass on the case, unless otherwise provided by this act.

Actions to
recover pen-
alty; how
brought.

Sec. 182. In case any person upon whom any tax may be assessed in said city, or any ward thereof, on personal estate, shall have moved out of the ward into another ward of said city, or from said city after the assessment, and before such tax ought by law, to be collected, it shall be lawful for such ward treasurer to levy and collect such tax of the personal property, goods and chattels of the person so assessed, in any city, or ward of a city, or in any other ward of said city, or in any township of said county to which such person may have removed, or in which he may reside; and if for any cause any tax assessed upon personal property shall not have been collected within the life of the warrant of such ward treasurer or treasurers, and the same shall have been returned as not paid, it shall be lawful for such ward treasurer or treasurers to serve such person or persons against whom such tax is assessed, in the name of said city, in any court of competent jurisdiction, and the proceedings shall be conducted as near as may be in the same manner as is provided for the collection of taxes by township treasurers in sections forty-six, forty-seven and forty-eight of an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February fourteenth, one thousand eight hundred and fifty-three, being sections eight hundred and twenty-seven, eight hundred and twenty-eight, eight hundred and twenty-nine and eight hundred and thirty of the compiled laws.

Proceedings
when owner
of property
has moved
from ward.

Union school
district de-
scribed.

Sec. 183. Union school district of the city of Lapeer shall include all of said city of Lapeer, and also the north-east quarter of section four, in town seven north, of range ten east, and east half of section thirty-three, and the east half of north-west quarter and south-west quarter of north-east quarter of section thirty-three, and the north half of section thirty-two, and the north-east quarter of section thirty-one, in town eight north, of range ten east, and the boundaries of the same may be altered or enlarged by the joint action of the school inspectors of the said city, and the act of the towns adjoining thereto, the same as other school districts are now by law altered.

City to be
liable for vil-
lage debts.

Sec. 184. The said city of Lapeer shall be liable for all the debts owing by the village of Lapeer at the passage of this act, and all moneys in the hands of the treasurer of the village of Lapeer shall be paid into the hands of the treasurer of said city.

Sec. 185. This act is ordered to take effect immediately.

Approved March 30, 1869.

[No. 370.]

AN ACT to incorporate the village of Leslie.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situate in the township of Leslie, county of Ingham, in the State of Michigan, which is known and described as follows, to wit: the south half of section twenty-one, the north half of section twenty-eight; and also the following described parcel of land, to wit: commencing at the center of aforementioned section twenty-eight, and running thence south about thirty rods, more or less, to the south line of lands owned by Gilbert L. Crumb, thence west to east line of Meeker road, (so called,) thence north on east line of said Meeker road, to east and west quarter line

of said section twenty-eight, thence east to place of beginning, all in town number one north, of range number one west, and State of Michigan, be and the same is hereby constituted a village corporate by the name of the village of Leslie.

Sec. 2. The officers of said village shall consist of a presi- Village officers.
dent, recorder, treasurer, and three trustees, to be elected by a plurality of votes, by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this State, and who shall hold their office for the term of one year, and until their successors are elected and qualified. And the common council of said village are hereby authorized and empowered to appoint such other officers as may be necessary, under the provisions of this act. The election of officers provided for, shall be held at the Leslie hotel, in said village, on the second Monday in April next, and on the first Monday in March annually thereafter, and at such place in said village as the common council thereof may appoint for that purpose: *Provided*, That the neglect to hold such election at the time Elections; when and where held.
Provided. hereinbefore named, shall not be deemed to work a dissolution of said corporation; but in such case it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of said village, by posting the same, containing the designation of the time and place thereof, in three of the most public places in said village, at least ten days before such election shall be held.

Sec. 3. At the first election to be held in said village under this act, there shall be chosen from the qualified electors there present, from among their number, *viva voce*, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof; and at each and every election thereafter to be held in said village, under Judges and clerk of election.
Oath of.
Duties of.

the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder shall be clerk of said board.

Polls; when opened and closed.

Sec. 4. The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of the same day, except in the discretion of the board, they may declare a recess of one hour between twelve o'clock at noon, and two in the afternoon. The name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the board of inspectors thereof; after the close of the polls of such election, the board of inspectors thereof shall proceed without delay, publicly to canvass the votes given, as is provided by general law of [for] the canvass of votes at township meetings, as relates to comparison of poll list with number of ballots, drawing lots in case two or more persons receive the same number of votes for the same office, and in all other matters of canvass, so far as the same shall be applicable; upon the completion of each canvass, the board of inspectors present at such election shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, which certificate shall give the whole number of votes cast for such office, for whom they were given, and the name of the person declared elected to each, either by lot or plurality of votes.

Poll list.

Canvass of votes.

Tie.

Certificate of election.

Recorder to give notice of elections.

Sec. 5. It shall be the duty of the recorder of said village to give ten days' public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special in said village; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of said election; the recorder of said village shall, within five days after the closing of the polls of any election, notify the officers elected thereat, respectively, of their election; and each of the officers

To notify persons of their election.

so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States, and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause such oath to be filed with the recorder of said village within ten days from the date of his election.

Sec. 6. If the qualifications of any person offering to vote at any election shall be questioned, the same shall be determined by the board of inspectors thereof, upon an examination of such person on his oath, which may be administered by any member of the board; and any person who shall knowingly swear falsely upon any such examination, shall be deemed guilty of perjury, and on conviction thereof, shall be liable to the punishment provided for that crime by the laws of this State.

Sec. 7. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, with all the powers of township boards, and with all the powers given by the general law for the incorporation of villages of this State to boards of trustees or common councils of villages, in addition to all special powers of this act, to be known and designated by the name and title of the village of Leslie; and by that name they and their successors in office shall be known in law, and by such name shall be, and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever, of enforcing all the special powers of this act, and of the general act aforesaid for the incorporation of villages by boards of supervisors, and may have a common seal, and may alter and change the same at pleasure; and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation.

selves in streets, highways, passages, or other public places, or beg or receive alms within the city, shall be deemed vagrants, and may, upon conviction before any justice of the peace in said city, be sentenced to imprisonment in the county jail of said county for any time not exceeding ninety days.

Who deemed
disorderly
persons.

Sec. 158. All persons who do run away, or threaten to run away, or abandon their wives or children in the city of Lapeer, or may neglect to provide, according to their means, for their wives or children, are hereby declared to be disorderly persons within the meaning of chapter forty-two of the compiled laws of this State, and may be proceeded against as such in the manner directed by said chapter; and it shall be the duty of the magistrate before whom such person may be brought for examination, to judge and determine from the facts and circumstances of the case, whether the conduct of such person amounts to such threats or abandonment, or neglect to provide for his wife or children.

Board of
health;
council to
appoint.

Sec. 159. It shall be the duty of the common council of said city to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and a competent physician to be health officer thereof.

Duties of.

Sec. 160. The said board of health shall have power, and it shall be their duty to take such measures as they may deem effectual, to prevent the entrance of any pestilential or infectious disease into the city, to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected with such a disease; to establish, maintain and regulate a pest house, or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to

To send dis-
eased pers'ns
to hospital.

cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest house or hospital, if the health physician and two other physicians of the city, including

the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, goods, wares or merchandise, or other articles of property of any kind which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into such a state as to generate or propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way and any manner they may deem expedient, and from time to time to do all acts, make all regulations, pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers herein granted.

To remove
infected
goods.

To abate
nuisances.

Sec. 161. The owner, driver, conductor, or person in charge of any stage coach, railroad car, or other public conveyance which shall enter the city, having on board any person sick of a malignant fever, or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report, in writing, the fact, with the name of such person and the house or place where he was put down in the city, to the mayor or some member of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine or imprisonment.

Drivers of
coaches, etc.,
to report
persons sick
with malign-
ant diseases

Sec. 162. Any person who shall knowingly bring, or procure, or cause to be brought into the city any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment.

Persons
bringing in
taint'd goods
to be guilty
of misde-
meanor.

Sec. 163. Every keeper of an inn, boarding house, or lodging house in the city, who shall have in his house at any time a sick traveler, boatman or sailor, shall report the fact and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor or some officer or member of the board of health. Every physician in

Inn-keepers
to report all
cases of sick-
ness.

the city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part of either of them, shall be a misdemeanor, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Fines to belong to city.

Sec. 164. All the fines imposed under the last five sections of this act shall belong to the city, and when collected shall be paid into the city treasury.

Council to order yards, etc., to be filled up.

Sec. 165. The common council shall have power to make such by-laws and ordinances as they from time to time shall deem necessary and proper for the filling up, draining, cleaning, and regulating any grounds, yards, basins, slips, or cellars within said city that shall be sunken, damp, foul, encumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of said city, to be done and executed at the expense of the city corporation, on account of the persons respectively

How expenses shall be paid

upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed, and collected, and the lands charged therewith to be sold, in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws and ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred shall be briefly described in the assessment roll for general purposes of the city; and the sum of money assessed to the owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a

What amt of money may be assessed.

ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Sec. 166. Whenever in the opinion of the common council, Council to order the pulling down of dangerous buildings. any building, fence, or any other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which said building, fence, or other erection stands to take down the same, or any part thereof, within a reasonable time, to be fixed by their order, or immediately, as the case may require, or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Sec. 167. The said board of health shall have power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court, or before any officer. The compensation of the clerk of said board of health shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board. Clerk of board of health. Compensation of.

Sec. 168. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable, to be paid from the general contingent fund of the city. Members of board of health; compensation of.

Sec. 169. The common council, or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer of whom a bond or instrument in writing may be required under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination under oath, as to Sureties of officers.

the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder shall be clerk of said board.

Polls; when opened and closed.

Poll list.

Canvass of votes.

Tie.

Certificate of election.

Recorder to give notice of elections.

To notify persons of their elect'n.

Sec. 4. The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of the same day, except in the discretion of the board, they may declare a recess of one hour between twelve o'clock at noon, and two in the afternoon. The name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the board of inspectors thereof; after the close of the polls of such election, the board of inspectors thereof shall proceed without delay, publicly to canvass the votes given, as is provided by general law of [for] the canvass of votes at township meetings, as relates to comparison of poll list with number of ballots, drawing lots in case two or more persons receive the same number of votes for the same office, and in all other matters of canvass, so far as the same shall be applicable; upon the completion of each canvass, the board of inspectors present at such election shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, which certificate shall give the whole number of votes cast for such office, for whom they were given, and the name of the person declared elected to each, either by lot or plurality of votes.

Sec. 5. It shall be the duty of the recorder of said village to give ten days' public notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special in said village; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of said election; the recorder of said village shall, within five days after the closing of the polls of any election, notify the officers elected thereat, respectively, of their election; and each of the officers

so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States, and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause such oath to be filed with the recorder of said village within ten days from the date of his election.

Sec. 6. If the qualifications of any person offering to vote at any election shall be questioned, the same shall be determined by the board of inspectors thereof, upon an examination of such person on his oath, which may be administered by any member of the board; and any person who shall knowingly swear falsely upon any such examination, shall be deemed guilty of perjury, and on conviction thereof, shall be liable to the punishment provided for that crime by the laws of this State.

Inspectors
to determine
qualifications
of electors.

Sec. 7. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, with all the powers of township boards, and with all the powers given by the general law for the incorporation of villages of this State to boards of trustees or common councils of villages, in addition to all special powers of this act, to be known and designated by the name and title of the village of Leslie; and by that name they and their successors in office shall be known in law, and by such name shall be, and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever, of enforcing all the special powers of this act, and of the general act aforesaid for the incorporation of villages by boards of supervisors, and may have a common seal, and may alter and change the same at pleasure; and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation.

Body cor-
porate and
politic.

Appointed
officers.

Sec. 8. The common council shall have power to appoint a marshal, street commissioner, and such other officers necessary under the provisions of this act for said village, whose elections are not herein provided for, to require of them such bonds for the faithful performance of their duties as they deem necessary, and to dismiss them at pleasure. The officers so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Officers;
powers and
duties of
president.

Sec. 9. It shall be the duty of the president to preside at all meetings of the village council, and in case of his absence the common council may appoint one of their number as president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings, and his compensation for such service shall be fifty cents for each meeting of said common council, and the same shall be in lieu of all other salary.

Recorder.

Treasurer
to keep all
moneys.

Sec. 10. It shall be the duty of the treasurer to act as collector of the village, to safely keep all moneys coming into his hands belonging to the corporation, and to pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office, to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor, and his compensation shall be five per cent. on all moneys of said village passing through his hands, and the same shall be in lieu of all other salary.

Compensat'n
of.

Marshal
to be police
constable.

Sec. 11. The marshal shall be a police constable, and shall serve any and all papers that may be issued by the recorder or any other officer by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as are allowed and paid constables for similar services, and shall be entitled to the same privileges as are provided for constables in the discharge of their duties by the laws of this State; shall have the general supervision of the village and see that the laws are enforced; shall have the power to enter into any dis-

To have su-
pervision of
village.

orderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon, or any person who has committed a breach of the peace is being secreted or harbored, or where any felony or breach of the peace is being committed, to arrest such offenders, disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Leslie, who shall hear and determine the matter by proof, as required by law; to compel the citizens to aid in extinguishing fires, and to appoint deputies with powers similar to his own; and for all special duties of this act not provided for by the list of constables' fees, he shall receive such compensation as the common council may allow.

To arrest offenders.

To compel aid at fires.

Sec. 12. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such bond or security for the faithful discharge of the trust reposed in them, as the common council may direct or require.

Treasurer and marshal to take oath.

Sec. 13. The president, recorder and trustees, when qualified and assembled together, shall constitute the common council of the village of Leslie, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may from time to time appoint; and they shall have power to impose, levy and collect such fines (not exceeding five dollars for any one offense) as they may deem proper, for non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect similar fines for non-attendance.

Common council; who to constitute

When shall meet.

Sec. 14. In case of the death, resignation or removal of the president, recorder, or any of the trustees or treasurer, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and appoint from the author-

Vacancies in.

ized electors of said village, some person to fill the vacancy so created, except that by reason of such vacancy, there shall not be left a quorum of the common council, in which case, the remaining members of the common council shall call a special election, as is provided in section five, to fill such vacancies, setting forth in the notices of said election the offices vacant.

Inhabitants
to be liable
to township
government.

Council to
levy taxes
for streets,
etc.

May take
private
property.

May lay out
streets.

May levy
and collect
poll tax.

Sec. 15. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets, highways and bridges, and the labor to be performed thereon, and within the limits thereof; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village, as they may deem necessary to be performed upon the streets, highways and bridges in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways; also, for the purpose of laying out, altering and establishing lanes, alleys, sidewalks and water-courses in said village, shall have the same power of taking private property for such purposes, (certifying the necessity for the same,) and awarding the damages thereon, as allowed to highway commissioners by act one hundred and sixty-three, of the session laws, and the acts amendatory thereof; and further, that their decision of the necessity to take and use the lands, as provided by said act, and their award of damages on the same, shall be final and subject to no appeal, and that the same, when completed, shall be certified by said common council, and filed with the recorder of said village; and further, that their power to so lay out, alter, establish and open, or cause to be opened, streets or highways within the limits of said village, shall not be limited to any particular time of the year, but that they may do the same at any time.

Sec. 16. The common council may levy and collect a poll tax, not exceeding one day's labor upon each person liable therefor by the laws of this State, and may levy and collect a

highway tax upon the real and personal property of said village, not exceeding one day for each one hundred dollars' valuation, and may provide for computation of poll and highway tax, at any sum not exceeding one dollar for each day's labor assessed, or at their option may assess, levy and collect such poll and highway tax in money, at a sum not exceeding one dollar for each poll tax, or each one hundred dollars assessed, and make an ordinance, providing for the return of such taxes assessed on real estate, occupied or unoccupied, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner as is hereinafter provided for, by this act, for the return of other taxes, and sale of lands for the same.

Tax to be a
lien on real
estate.

Sec. 17. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, street commissioner, and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes; and the common council shall have the power to make by-laws and ordinances relative to all nuisances within the limits of said village and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and reservoirs; to regulate the construction of private drains; to license all showmen; to suppress all games of chance and hazard; to compel the owners of buildings to procure and keep in readiness such number of buckets and ladders as they may deem necessary; to compel the owners or occupants of buildings to secure, in such manner as the common council may deem safe, all stove-pipes, stove thimbles, chimneys, or other fire liabilities; relative to the calling meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to restraining swine, horses, cattle, geese, and other animals from running at large in the streets, lanes, alleys, and other public places in said village; to regulate and establish one or more

Common
council may
pass laws
relative to—
Fees of
officers.

Nuisances.

Sewers and
drains.

Chimneys,
etc.

Gunpowder

Pounds.

pounds, for the confinement of such animals as are found running at large in said village, and establish fees to be collected on the same.

Grading of
streets.

Building of
sidewalks.

Sec. 18. The common council of said village shall have full power to make all necessary rules and regulations relative to the grading of any streets of said village and levying tax for the same; to order the building of any sidewalks and to determine the width and grade of the same, and the quality and style of material used, allowing every owner or occupant of said village to construct his own front of said walk if he shall do so in conformity with the style, in all respects, ordered by said common council, within sixty days from the date of said order, otherwise the common council shall proceed to construct the same, levying the cost thereof upon the land adjoining the same; and the tax so levied shall be collected by distress and sale, or returned as unpaid, and the premises thus returned, sold as hereinafter provided for other taxes.

Billiard
tables.

Disorderly
houses.

Riots

Vagrants.

Fines and
penalties.

Sec. 19. The common council shall have power to suppress or regulate all billiard tables and other gaming tables kept for hire, gain or reward in said village; also, full power and authority to make all such by-laws and ordinances as they may deem necessary for preventing or suppressing all disorderly or bad houses; for securing said village and the inhabitants thereof against fire; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards and idle persons; and they shall have power and authority to make all such by-laws and ordinances as they shall deem necessary for the safety and good government of such village and the inhabitants thereof, and to impose all fines, penalties and forfeitures on all persons offending against the same.

Liquors.

Auctions.

Sec. 20. The common council shall have the power to prevent the vending or giving away of any spirituous or fermented liquors, in any place within said village; to prohibit and regulate the sale of all goods, wares and personal property at auction, except in cases authorized by law; to license and regu-

late auctioneers, peddlers, traveling non-resident merchants, and pawnbrokers; to license and regulate all sports, exhibitions, caravans, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to regulate the buying, selling and using of fire-crackers, fire-works, and other combustible material; to restrain or prohibit the lighting of fires in the streets and other open spaces of said village; to regulate the measurement of fire-wood, and the weighing of hay; to appoint a sealer of weights and measures; to prevent and punish immoderate driving in any of the streets of said village; to prevent the incumbering of the streets, sidewalks, alleys or public grounds; to order the setting out of shade and ornamental trees along the line of the streets and sidewalks of said village, or in their option, to let jobs for the procuring, setting out and protecting the same; to compel the owners or occupants of lots to clean sidewalks in front and adjacent thereto, of snow, ice, dirt, mud, boxes, or any incumbrance; to construct cross-walks, sewers or drains, assessing the cost of the same on the property in their judgment immediately benefited, or, at their option, on the whole assessed valuation of said village; to regulate all grave-yards and places of burial for said village.

Sec. 21. The corporation of the village of Leslie shall be allowed the use of the common jail of the county of Ingham, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council, and all persons committed to jail by the recorder or any justice of the peace, for violation of any by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases: *Provided*, It shall be competent for said common council to construct and establish a lock-up for said village, in which to temporarily confine all persons in the hands of the marshal for offenses under this act, for a less time than ten days.

Justices of
the peace;
powers and
duties of.

Sec. 22. Any justice of the peace of the township of Lealie is hereby authorized and empowered to inquire of, hear, and try, and determine in a summary manner, all the offenses which shall be committed within the limits of said village, against any of the by-laws, ordinances, or regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this act, and to punish the offenders as the by-laws, ordinances or regulations shall prescribe or direct: *Provided always*, That any person, on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Ingham county.

Proviso.

Compensat'n
of council.

Sec. 23. The president and trustees shall not receive any pecuniary compensation for the performance of the duties assigned them by this act, except as especially provided.

Annual
statement.

Sec. 24. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, also, the disposition thereof; previous to which they shall settle and audit the accounts of the treasurer, marshal, street commissioner, and all other officers and persons having claims against the said village or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, the objects and purposes for which the same were made, the moneys expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of all the financial concerns of said village.

Contents of

Citizens to
be compet'nt
as jurors.

Sec. 25. In all processes, prosecutions and other proceedings wherein the common council of said village, shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of said citizen in the event

of such process [or] proceeding: *Provided*, That such interest Proviso.
be only that which is common with the citizens of said village.

Sec. 26. Whenever any action or suit [shall] be commenced Process ag't corporation; how served.
against the corporation, process against such corporation shall
be served by leaving a copy of such process, attested by a
proper officer, with the recorder of said corporation, or at his
usual place of business therein, whose duty it shall be forth-
with to inform the president and trustees thereof: *Provided*, Proviso.
That the said process shall be by summons, and a copy thereof
left with the recorder at least within ten days before the return
day thereof.

Sec. 27. The common council shall have full power and Power of council to collect taxes.
authority to levy and collect a capitation or poll tax, and a high-
way tax, as hereinbefore provided; also, all taxes for all and
every improvement the common council are by this act author-
ized to make, in the manner provided, or are by the general
laws of this State for the incorporation of villages authorized
to make, and also all taxes on real and personal property (not
by general law exempt) within the limits of said village neces-
sary to defray the expenses thereof: *Provided*, The said taxes Proviso
so assessed and collected shall not exceed, in any one year, one
per cent. upon the valuation of said real and personal property,
exclusive of the sidewalk, grade and highway and poll tax, tax
for the construction of wells or cisterns, and for the construc-
tion of a lock-up and pound; and every assessment of taxes
lawfully laid and imposed by the said common council upon
any lands, tenements, hereditaments, or premises whatsoever in
said village, shall be and remain a lien upon said lands, tene-
ments and hereditaments from the time of making such assess-
ment or imposing such tax, until paid; and the owner or occu-
pants, or parties in interest respectively in said real estate, shall
be liable, upon demand, to pay every such assessment or tax to
be made as aforesaid.

Sec. 28. It shall be the duty of the supervisor of said town- Supervisor to take assessment of township.
ship of Leslie, who is hereby constituted *ex officio* assessor of
said village, to take the assessment of said village at the time

and in the manner he takes the assessment of said township, in all respects the same, and annex thereto the usual certificate, and file the same in the office of the recorder of said village on or before the second Monday in May in each year, for which service he may present an account for consideration and allowance to the common council of said village.

Council to
appoint time
for reviewing
roll.

To make
necessary
corrections.

Sec. 29. The common council of said village shall be in session during the usual business hours of Wednesday next succeeding the second Monday of May, for the purpose of review of the said assessment roll, and the hearing of any person considering himself aggrieved by the assessment made by the supervisor as aforesaid; and the common council are hereby authorized, upon sufficient cause shown, to reduce or increase said valuations as assessed; and when so corrected, said common council shall annex a certificate to said assessment roll, to be signed by the president and recorder, that said roll has been revised and corrected by them, which said certificate shall be *prima facie* evidence of the regularity of the assessment of said village.

Recorder to
make state-
ment of taxes

Sec. 30. It shall be the duty of the recorder of said village, on or before the first Monday of October of each year, to render to the president a complete statement, in writing, of all the local or general taxes authorized by the common council for the current year, together with all the information necessary to the correct levy of the same.

President to
complete roll
and deliver
to treasurer.

Sec. 31. It shall be the duty of the president to spread upon the assessment roll aforesaid, all the general and local taxes authorized by the common council of said village for the current year, in accordance with the by-laws, regulations or ordinances of said common council attached to the same, and sign the proper warrant for the collection of the taxes therein levied, and deliver the same to the treasurer at the time prescribed by law for the delivery of the township tax roll to the township treasurer, who shall proceed to collect the same in the time allowed by law to township treasurer's for the collection of taxes; and if any person shall refuse or neglect to pay

the sum or sums at which he or she shall be taxed or assessed as aforesaid, the treasurer is hereby authorized and required to ^{Distress and sale of goods for taxes.} levy the same by distress and sale of the goods and chattels of the person who ought in law to pay the same, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels, on demand; and in ^{Return of unpaid taxes.} case the treasurer shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter shall be a lien on the same, as hereafter provided. For spreading the taxes as aforesaid, the president shall be entitled to receive one dollar and fifty cents per day for the time actually employed.

Sec. 32. The taxes so levied for village purposes (whether ^{Taxes to remain a lien on property.} local or general) shall be and remain a lien upon the property on which the same was levied, to the same extent, and in like manner as taxes required by law to be levied on property in the several townships of this State are liens upon such property; and all provisions of law respecting the return and sale of real estate for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of real estate for the non-payment of such village taxes, the treasurer of the county of Ingham being hereby authorized and directed to receive the return of all such taxes, and apply the provisions of the general law to the same.

Sec. 33. The net proceeds of the sales of all real estate delin- ^{Proceeds of sales of delinquent property to be paid to treasurer.} quent for non-payment of said village taxes shall be paid to the treasurer of said village by the treasurer of the county of Ingham whenever required by the village treasurer; and the net proceeds of all sums paid to the treasurer of the county of Ingham before sale, on account of property within said village, returned delinquent for non-payment of village taxes shall, in the manner, be paid to said village treasurer.

Power of
council to
organise fire
companies.

Sec. 34. The common council shall have authority to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fires, and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; to prevent the erection of buildings in an unsafe manner, and pass all necessary regulations to buildings deemed by them unsafe as to risk by fire, or otherwise.

Public act.

Sec. 35. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under authority of the Legislature, shall be received without further proof.

Who eligible
to office.

Sec. 36. No person shall be eligible to any office, under this act, unless he shall have resided in said village six months next preceding his election, nor unless he shall be entitled to vote therein.

Sec. 37. This act shall take immediate effect.

Approved March 30, 1869.

[No. 371.]

AN ACT to incorporate the village of Milford.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That all of that certain tract of land situate in the county of Oakland, and State of Michigan, being in township number two north, of range number seven east, and described as follows, to wit: the south fourth of the west three-fourths of section two, the south fourth of the east three-fourths of section three, the east three-fourths of section ten, the west three-fourths of*

section eleven, the north fourth of the west three-fourths of ^{Ibid.} section fourteen, and the north fourth of the east three-fourths of section fifteen, being one and one-half miles square, shall be known and designated as the village of Milford.

Sec. 2. The inhabitants, resident within the boundaries ^{Body corporate and politic.} aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "The village of Milford," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal, and alter the same at pleasure; and shall also have power to purchase, hold and convey such real and personal estate as the purposes of the corporation may require.

ARTICLE II.

Sec. 1. The officers of said village shall be a president, ^{Village officers.} six trustees, one clerk, one marshal, who shall also be collector of taxes and assessments, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided, as may be necessary to carry out the provisions of this act.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

Sec. 1. The inhabitants of said village, having the qualifications of electors under the constitution of this State, shall ^{Time and place of holding election.} meet at the place of holding the annual township meeting in the township of Milford, in said county of Oakland, in April, eighteen hundred and sixty-nine, on the second Monday of April, A. D. eighteen hundred and sixty-nine, and there proceed to elect one president and three trustees, who shall severally hold their office for one year; also three trustees, who shall severally hold their office for two years; and the inspectors of such election shall certify thereto accordingly immediately after the canvass shall be finished.

Judges and
clerk of
election.

Sec. 2. At the first election to be held in said village, under this act, there shall be chosen by the qualified electors there present, from among their number, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof; and at each and every election thereafter to be held in said village, under the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the clerk of said village shall be the clerk of such board.

Oaths of.

Duties of.

Polls; when
to be open'd
and closed.

Sec. 3. The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of said day, and no longer. The name of each elector voting at such election shall be written in a poll list, to be kept at such election by the clerk of the board of inspectors thereof. After the

Inspectors to
count ballots

close of the polls of such election, the board of inspectors thereof shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall exceed the number of electors' names contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be counted; and thereupon the board of inspectors present at such election shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete said estimate on the same day, and shall certify and declare the number of votes given for each officer, the names of the persons for whom such votes for such office were given, and the number of votes so given for each person, and shall make and file a certificate thereof in the office of the clerk of said village

Declare re-
sult of elec-
tion.

within twenty-four hours after the close of said canvass; and the person having the greatest number of votes for any office, shall be declared duly elected to such office; and if two or more persons shall have an equal number of votes for the same office, the board of inspectors of such election shall prepare as many slips of paper of equal size, as there are of persons having an equal number of votes, and shall write the name of one of said persons on each of said slips, and put the same together in a box, and one of said board shall be blind-folded, and proceed to draw from said box the said slip, and the person whose name shall be first drawn therefrom shall be declared duly elected.

Tie; how decided.

Sec. 4. It shall be the duty of the clerk of said village to give five days' public notice in three public places in said village, of the time and place of holding all elections, both annual and special in said village, succeeding the one described in section one of this article; said notices may be written or printed, or partly written and partly printed; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of such election. The clerk of said village shall, within five days after the closing of the polls of any election, notify the officers elected thereat, respectively, of their election; and each of the officers so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States, and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause a certificate of such oath to be filed with the clerk of said village within ten days after he shall have been notified of his election. If the qualification of any person offering to vote at such election shall be questioned, the same shall be determined by the board of inspectors thereof, upon an examination of such person thereto on his oath, which may be administered by any member of said board; and any per-

Clerk to give notice of all elections.

To notify persons of their election.

Officers to take oath.

Board of inspectors to determine qualifications of electors.

son who shall swear falsely upon any such examination, shall be deemed guilty of perjury, and on conviction thereof shall be liable to the punishment provided for that crime by the laws of the State.

Time of
holding an-
nual elect'ns

Sec. 5. Elections for officers, after the one described in section one of this article, shall be held on the first Monday of March, in each year, at such places as shall be designated by the board of trustees, except as provided for in the first section; but if an election of the officers of said village shall not be held on the day when, pursuant to this act it should be held, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election.

Proceedings
when elect'n
is not held at
appointed
time.

ARTICLE IV.

OF THE QUALIFICATIONS OF OFFICERS.

Who eligible
to office.

Sec. 1. No person shall be eligible to any office in this corporation, unless he shall have resided in said village six months next preceding his election, and shall be entitled to vote therein.

Trustees not
to become
surety, or be
interested in
any contract

Sec. 2. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, and during the term for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Appointed
officers.

Sec. 3. No officer appointed by the president and trustees shall hold his office more than one year, or until his successor is appointed, and the president and trustees may require of any of them such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the treasurer of the corporation, and his successor in office, and suit may be brought for any breach

of said bond in the name of "The village of Milford," as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

Sec. 1. The president shall be *ex officio* a member of the board of trustees, and have the power and be subject to the like duties and responsibilities of a trustee.

Officers;
powers and
duties of
president.

Sec. 2. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or it shall be demanded in writing for any specific purpose, by three of the trustees, or twenty electors of said village.

To preside at
meetings of
trustees.

Sec. 3. The president shall preside at all elections held under and by virtue of this act.

To preside
at elections.

Sec. 4. The president shall see that all the by-laws, rules, regulations and ordinances of said village are faithfully enforced, and prosecute, in the name of "the village of Milford," all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules, regulations or ordinances passed by virtue thereof.

To enforce
by-laws, reg-
ulations, etc.

Sec. 5. He shall receive and lay before the board of trustees, the official reports of all officers who may be required to make such reports, and, in connection therewith, suggest the passage of such measures as in his judgment the necessities of the village may require.

To lay re-
ports before
trustees.

Sec. 6. He shall appoint, by and with the consent of the trustees, one clerk, one marshal, one treasurer, one assessor, two or more fire-wardens, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good

To appoint
officers.

Proviso. order, not otherwise provided for in this act: *Provided*, That no officer so appointed shall hold his office for a longer term than during the official term of the president so appointing him, or until his successor in office is appointed.

To have control of public property. Sec. 7. The president shall inspect and have the supervising control of the public property belonging to said village, and see that the same is properly cared for and kept in order.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

Board of trustees may pass laws relative to— Sec. 1. The board of trustees shall have the control and management of all the finances, and of all the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village.

Sec. 2. The board of trustees shall have full power, within said village:

Village officers. *First.* To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act.

Official bonds. *Second.* To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from, in the discharge of official duty.

Public property. *Third.* To provide for the care, custody and preservation of the public property of said village.

Duties of officers. *Fourth.* To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them.

Fire engines. *Fifth.* To purchase and keep in order, fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department and define their duties, and prescribe penalties for their delinquencies.

Fire limits. *Sixth.* To establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate party walls,

chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same.

Seventh. To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain and close up all disorderly houses, houses of ill fame or licentiousness, gambling tables, or any other device or instrument for gaming, and to punish the keepers of the same, when so kept in violation of any by-law, rule, regulation or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors and drunkards to be apprehended and punished.

Eighth. To prevent the selling or giving away of spirituous or fermented liquors; to regulate or suppress billiard tables and bowling alleys.

Ninth. To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the streets unfastened.

Tenth. To license and regulate theaters, shows, traveling concerts, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village.

Eleventh. To prevent and remove nuisances, and to punish persons for committing the same.

Twelfth. To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction.

Thirteenth. To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, lumber, and other combustible material.

- Fire-arms.** *Fourteenth.* To prevent the use of fire-arms, fire-works, along-shots, metal knuckles and other weapons.
- Markets.** *Fifteenth.* To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber.
- Cattle.** *Sixteenth.* To restrain horses, cattle, sheep, swine, mules and other animals, geese and other fowls, from going at large in the streets of said village, under such penalties as they shall, in the by-laws, prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation or ordinance of said village, and to make all needful rules and regulations for the effective use of the same.
- Dogs.** *Seventeenth.* To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction, if found at large in violation of any ordinance of said village.
- Lamps.** *Eighteenth.* To erect lamps, and cause the public grounds, and such of the streets of said village as they shall deem proper, to be lighted at such times as in their judgment the wants and interests of the village may require.
- Building lines.** *Nineteenth.* To establish lines upon which buildings may be erected, and beyond which such buildings shall not extend.
- Unsafe buildings.** *Twentieth.* To prevent the erection and provide for the removal of all buildings deemed unsafe.
- Hitching posts.** *Twenty-first.* To regulate the placing and provide for the preservation of horse posts and shade trees.
- Trustees to be commissioners of highways.** **Sec. 3.** The board of trustees shall be the commissioners of highways within the limits of said village, and as such may exercise all the powers that now are granted to commissioners of streets and highways in the several townships of this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more overseers of streets and highways as they shall deem best.
- May order building of sewers.** **Sec. 4.** The board of trustees shall, upon the petition in writing, of a majority of the property-owners along the line of any proposed work, praying for the same, direct the building of sewers along the line of, or order and superintend the grading

of any street, highway, alley or lane in said village, and assess the cost and expenses thereof upon the lots lying on either side of and adjoining the said work, in the proportion that the frontage of each lot shall bear to the whole frontage of all the lots upon which the cost of said work is to be assessed; they shall also have full power and authority to provide for making, constructing and repairing all sidewalks and cross-walks in said village, and for paying the costs and expenses of the same by assessment on the owners or occupants of the lots, lands and premises in front of which sidewalks may be directed to be made, constructed or repaired: *Provided*, That all assessments for cross-walks shall be made upon the premises in the block adjacent to said cross-walks, from the corner to the center of the front and side of said block.

Assess expenses on adjoining lots.

Provide.

Sec. 5. The board of trustees may take the land of any individual for the purpose of constructing, widening or extending any highway, street, alley, lane, ditch, drain or sewer, but not until such individual shall be paid therefor, as provided for in article nineteen of this act.

May take private property for widening streets.

Sec. 6. The board of trustees may, at any time during the year, exercise the power of ordering fences to be removed, or of opening, widening and extending any highway, street, alley or lane within said village.

Order fences removed.

Sec. 7. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish and publish, modify, amend and repeal by-laws, rules, regulations and ordinances, and prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail not to exceed thirty days, or both, for any one offense, except as herein otherwise provided, and to enforce the same against any person guilty of such violation, in any court having jurisdiction of such cases; but all such by-laws, rules, regulations and ordinances shall be published at least for two successive weeks

Modify and repeal rules.

Prescribe fines and penalties.

before the same shall be considered as of force, or binding upon the inhabitants of said village.

ARTICLE VII.

OF THE CLERK OF SAID VILLAGE.

Clerk to attend all village elections. Sec. 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve and keep all books and papers belonging to said corporation and appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws, ordinances, rules, regulations and notices, as the board of trustees shall direct.

To keep poll list.

Sec. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office, within five days thereafter.

To give notice of elections.

Sec. 3. The clerk shall give at least five days' notice of the time and place of holding elections under this act.

To keep books and papers open for public inspection.

Sec. 4. The books and papers in the office of said clerk shall, at all times, on demand, be produced for inspection to all electors and taxable inhabitants of said village; and upon demand and tender of fees at the rate of ten cents per folio therefor, he shall make and furnish a certified copy or transcript of any paper or record, filed or kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced.

Clerk present.

Sec. 5. In case of the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees shall for the time designate.

ARTICLE VIII.

OF THE MARSHAL OF SAID VILLAGE.

Sec. 1. The marshal shall have the general supervision of the village, and see that all by-laws, rules, regulations, and ordinances passed by the board of trustees of said village, according to the provisions of this act, are enforced. Marshal to have supervision of the village.

Sec. 2. He shall be *ex officio* constable and chief of police, with powers belonging to constables of any township of this State, having power to enter into any disorderly or gaming house, or dwelling house, or other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace may be, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in disorderly assemblages, and take them before any justice of the peace of the township of Milford, who shall hear, try and determine the matter: *Provided*, That nothing in this act shall be construed into his serving process in civil cases, nor in criminal cases for the violation of any general law of the State of Michigan. To be chief of police. To enter disorderly assemblages. Provide.

Sec. 3. He shall have the power to compel the citizens to aid in extinguishing fires. To compel aid at fires.

Sec. 4. The marshal shall at all times be subject to the supervision and control of the president and trustees, and shall, whenever directed by the board of trustees, make complaint in writing, and on oath, before any justice of the peace for the township of Milford, for any violation of the by-laws, regulations, or ordinances of said village, passed by virtue of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal. To be subject to control of trustees.

Sec. 5. He shall be the collector of taxes in said village, and shall have full power to collect the same, as provided for in article thirteen of this act. To collect village taxes.

Sec. 6. He shall report in writing to the board of trustees, from time to time, as he may be required by resolution of the To make report.

board of trustees, of all his actions and doings, by virtue of his office, which report shall be filed with the clerk of the village.

When may
be removed.

Sec. 7. The marshal may be removed from office by a majority vote of the board of trustees, for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties, but the cause of such removal shall in all cases be spread at large upon the records of the village.

ARTICLE IX.

OF THE TREASURER OF SAID VILLAGE.

Treasurer to
receive all
corporation
moneys.

Sec. 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees.

To pay
money only
on orders.

Sec. 2. He shall not pay any money on account of said village, except upon a resolution of the board of trustees, and on an order signed by the president and countersigned by the clerk.

To keep cor-
rect record.

Sec. 3. The treasurer shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees prior to the annual election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report in writing, of all items of receipts and disbursements, with a statement of the debts, dues and demands of said corporation.

May sell and
convey lands
for taxes.

Sec. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article sixteen of this act.

ARTICLE X.

OF THE ASSESSOR OF SAID VILLAGE.

Assessor.

Sec. 1. The assessor shall possess the powers and discharge the duties prescribed in articles fourteen and fifteen of this act, and to perform such other services as are provided for in said articles.

ARTICLE XI.

OF VACANCIES IN OFFICE.

Sec. 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

Vacancies
in office.

ARTICLE XII.

OF THE COMPENSATION OF OFFICERS.

Sec. 1. The president and trustees shall not receive any compensation for attendance at the regular meetings of the board of trustees.

Compensat'n
of officers.

Sec. 2. The officers of said village (except as provided in section one of this article) shall receive such compensation as the board of trustees shall, by resolution, direct.

Ibid.

ARTICLE XIII.

OF THE LIMIT OF TAXATION.

Sec. 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article) upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent. upon the assessed value of such property, to defray the general expenses of the corporation and to carry into effect the several powers and privileges of this act.

Taxes; pow'r
of trustees
to levy on
property.

Sec. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to taxation in said village, not exceeding in any one year the sum of

Highway,
amount of
tax-
limited.

one-half of one per cent. upon the assessed value of such property, to be expended exclusively upon highways, streets, alleys and lanes of said village, as the board of trustees shall direct.

Poll tax;
who to pay.

Sec. 3. The board of trustees shall have power to levy and cause to be collected, in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upward, and not exceeding the age of fifty years, except paupers, idiots, lunatics, and others excepted by the laws of this State, and in article twenty-five of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Taxes
limited.

Sec. 4. No other highway tax shall be levied and collected in said village excepting those mentioned in sections two and three of this article; and the tax specified in said sections shall be included in and subjected to the same proceedings as by this act are required to be had upon the general tax.

Special tax.

Sec. 5. The board of trustees may cause to be raised such further sum as they may deem necessary, not exceeding the sum of two per cent. upon the assessed value of property in said village, by special tax: *Provided*, That the consent of a majority of the taxable inhabitants of said village authorized to vote, who are present and voting at an annual, or special meeting called for that purpose, first be obtained.

Proviso.

Notice of
meeting to
vote on spe-
cial tax.

Sec. 6. Before any tax for such further sum can be voted for at any meeting, a notice must be published by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in the village newspapers, if there shall be any published in said village, and by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

How vote
shall be
made.

Sec. 7. The vote on any special tax shall be by ballot, which shall have written or printed on the inside the words, "for the tax," or "against the tax," and be deposited in a separate box,

to be labeled "village tax;" and all other proceedings had therein shall be the same as provided for in this act for holding elections.

Sec. 8. The proceedings for the assessing, apportioning, re-viewing and collecting such tax so voted, shall be the same as ^{Proceedings for assessing tax, etc.} those prescribed in this act for the raising of a general tax.

ARTICLE XIV.

OF THE ASSESSMENT OF TAXES.

Sec. 1. The assessor of said village shall, once in each year and on or before the second Monday in May, make an assess-^{Assessment roll; contents of.}ment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of real and personal property in separate columns.

Sec. 2. The assessor, immediately after the completion of the ^{Notice of} assessment roll, and before any tax shall be levied on the same, shall give ten days' notice by posting in at least six public places in said village, that on a certain day, and in a certain place in said village, therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Sec. 3. The assessor, at the time and place mentioned in said ^{Corrections in.} notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll, as shall appear to him to be just and proper.

Sec. 4. Immediately after the expiration of ten days, and re-view of the assessment roll as aforesaid, the assessor shall cer-^{Assessor to certify to trustees.}tify the said roll, under his hand, to the board of trustees of said village.

Roll certified
back to as-
sessor.

Sec. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special and highway taxes to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section four, of article six of this act, which said certificate, endorsed on said assessment roll, shall be signed by the president and clerk of said village.

ARTICLE XV.

OF THE APPORTIONMENT OF TAXES.

Appor-
tion-
ment of
taxes.

Sec. 1. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion and set down in two separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general, special and highway tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots, as an assessment for special work done under section four, of article six of this act, to be paid by the owner or owners, or parties interested in such real and personal estate; and shall also set down in a fourth column, on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Assessor to
certify roll
to marshal.

Sec. 2. Immediately after apportioning the tax as provided for in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto under the hands of said assessor and the president of said village, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein oppo-

site their respective names, as a tax or assessment, and author-
izing him, in case any of them shall neglect or refuse to pay
such sums, to levy the same by distress and sale of his, her or
their goods and chattels, together with the costs and charges
of such distress and sale, and directing him to pay such sums,
when collected, to the treasurer of said village, by a certain day
therein named, not more than forty days from the date of said
warrant.

Marshal to
collect taxes.

Sec. 3. The president and assessor may renew said warrant
from time to time, by direction of the board of trustees.

Warrant
renewed.

Sec. 4. Whenever any special tax shall be voted to be raised
as provided for in article thirteen of this act, the apportion-
ment of the same shall be based on the assessed value of the
real and personal estate as set down in the annual assessment
roll.

Basis of any
special tax.

ARTICLE XVI.

OF THE COLLECTION OF TAXES.

Sec. 1. The marshal of said village shall, immediately after
receiving the assessment roll with the warrant of the assessor
thereunto annexed, as provided for in section three of the pre-
ceding article, proceed to collect the taxes as apportioned in
said roll and according to the provisions of said warrant.

Collection of
taxes.

Sec. 2. If any person or persons shall refuse or neglect to
pay the sum or sums at which they shall be taxed or assessed
as aforesaid, the marshal shall proceed to levy the same by dis-
tress and sale of the goods and chattels of the persons who are
liable to pay the same, first giving public notice thereof, as is
required by law to be given by township treasurers; and in case
the goods and chattels so distressed shall be sold for more than
the amount of the tax or assessment, with the charges of dis-
tress and sale thereon, the surplus shall be paid on demand to
the owner or owners of such goods and chattels.

Power of
marshal to
sell goods
for taxes.

Sec. 3. In case any person upon whom any tax to be assessed
in said village for personal estate shall have removed out of
said village after the assessment, and before such tax ought by

Proceedings
when person
has removed
from village.



law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

Marshal
authorized
to sue for
taxes.

Sec. 4. Whenever any tax which shall have been, or which may hereafter be assessed on personal property in said village, shall be returned by the marshal for non-payment, under the provisions of this act, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax.

Return
of unpaid
taxes.

Sec. 5. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of taxes, or in the renewal of the time thereof by the said assessor, as provided for in section three, of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under and by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Taxes to re-
main a lien
on real es-
tate.

When lands
may be sold
at public
auction.

Sec. 6. The treasurer of said village shall preserve in books to be by him kept for that purpose, a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section; and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum from the date of the warrant to the marshal as aforesaid, for the term of one year from the date of the warrant to the marshal, he shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

Notice of
sale

Sec. 7. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice for at least six weeks, by publication in a newspaper

published in said village, if any such shall be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Sec. 8. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands and continue the same from day to day until all is sold upon which there are taxes, assessments and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest and cost of sale, as aforesaid. Manner of selling.

Sec. 9. In case less than the whole of any description shall be sold for the taxes, assessments, interest and charges thereon, the portion thereof sold shall be taken from the north side of such description. Portion of description to be sold.

Sec. 10. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands a certificate in writing, describing the land purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such sale, the treasurer shall, at the expiration of said one year, execute to the purchaser or purchasers, his, her or their heirs or assigns, a conveyance of the lands sold, which said conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treas- Certificate of purchase.
Conveyance.



law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

Marshal
authorized
to sue for
taxes.

Sec. 4. Whenever any tax which shall have been, or which may hereafter be assessed on personal property in said village, shall be returned by the marshal for non-payment, under the provisions of this act, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax.

Return
of unpaid
taxes.

Sec. 5. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of taxes, or in the renewal of the time thereof by the said assessor, as provided for in section three, of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under and by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Taxes to re-
main a lien
on real es-
tate.

When lands
may be sold
at public
auction.

Sec. 6. The treasurer of said village shall preserve in books to be by him kept for that purpose, a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section; and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum from the date of the warrant to the marshal as aforesaid, for the term of one year from the date of the warrant to the marshal, he shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

Notice of
sale

Sec. 7. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice for at least six weeks, by publication in a newspaper

published in said village, if any such shall be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Sec. 8. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands and continue the same from day to day until all is sold upon which there are taxes, assessments and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest and cost of sale, as aforesaid. Manner of selling.

Sec. 9. In case less than the whole of any description shall be sold for the taxes, assessments, interest and charges thereon, the portion thereof sold shall be taken from the north side of such description. Portion of description to be sold.

Sec. 10. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands a certificate in writing, describing the land purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such sale, the treasurer shall, at the expiration of said one year, execute to the purchaser or purchasers, his, her or their heirs or assigns, a conveyance of the lands sold, which said conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance, executed by the said treas- Certificate of purchase. Conveyance.

When may
be used as
evidence.

urer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

ARTICLE XVII.

OF THE REGISTRATION OF ELECTORS OF SAID VILLAGE.

Board of
registration.

Sec. 1. The president, clerk, and one of the three trustees having the shortest term to serve, shall constitute the village board of registration.

Clerk to pro-
vide books
for registra-
tion.

Sec. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said village clerk.

To enter
names of
voters.

Sec. 3. The clerk of said village shall, at any time (except as provided for in this act) on demand, enter in its alphabetical order the name of any person entitled to vote in said village, under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Time board
shall meet
to complete
list of votes.

Sec. 4. On the last secular day next preceding the day for holding any regular or special election of said village, after the year one thousand eight hundred and sixty-nine, the said board of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing, except as provided by the laws of

this State guarding the purity of elections in the several townships thereof.

ARTICLE XVIII.

OF ELECTIONS.

Sec. 1. The president, clerk, and one of the three trustees whose term of office will first expire, shall constitute the election board.

Sec. 2. The members of said election board shall, before entering upon the discharge of their official duty, take an oath or affirmation, to be administered one to the other, to support the constitution of the United States and of the State of Michigan, and to faithfully and impartially discharge their duties as judges of election, and said election board shall constitute the board of inspectors of election within the meaning of this act.

Sec. 3. At any election held under and by virtue of the provisions of this act, (except at the first election otherwise provided for,) and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Milford to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein.

Sec. 4. At the first election held in this village, under the provisions of this act, the registration books of the township of Milford of the qualified electors of said village shall be used with like force and effect as the register of the electors of the village of Milford, provided for in this act.

Sec. 5. The registration of electors provided for in this act shall be used only for elections for village purposes, and shall [not] be construed to interfere with the registration of electors or the elections of the township of Milford.

Sec. 6. The board of registration and election in said village shall exercise the same powers to preserve the purity of elec-

tions as are now, or may hereafter be given by law to boards of registration and election in the several townships in this State, except as modified by the provisions of this act.

ARTICLE XIX.

OF PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

Proceedings
when private
lands are
taken for
public use.

Trustees to
treat with
owner.

Summoning
of jury.

Jury to
award
damages

Sec. 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by personal service, or by written notice posted up in three of the most public places in said village, to the owner or parties interested in said lands, his, her or their legal representatives, at least three weeks next preceding the meeting of said board of trustees, of the intention of said board of trustees to take such land for the purposes aforesaid; and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her or their legal representatives; and if, at the expiration of the time limited as aforesaid, for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Milford, to issue a *venire facias*, to command the marshal of said village, or any constable of the county of Oakland, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before said justice at a time therein stated, to inquire into the just compensation to be paid therefor to the owner or owners, his, her or their legal representatives, which jury, being first duly sworn by said justice, faithfully and impartially to inquire into the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties in-

interested, his, her or their legal representatives therefor, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or legally tendered, before such land, grounds or premises shall be taken for the use of said village, to the person or persons, his, her or their legal representatives in whose favor the said judgment shall be rendered; it shall thereupon be lawful for the board of trustees to cause the said land, ground or premises to be occupied and used for the purposes aforesaid.

Compensation
tendered to
owner.

Sec. 2. The board of trustees, or any party or parties claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Oakland, upon giving notice of his, her or their intention so to do, to said justice, in writing, within ten days; or in case of the absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said justice, as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court of the county of Oakland, the same proceedings shall thereupon be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages in said circuit court shall not exceed the damages assessed before the said justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Right of
appeal.

Proviso.

ARTICLE XX.

OF PUBLICATION.

Sec. 1. Whenever publication shall be required by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in the newspaper of said village, if any such shall be published therein, and if not,

Publication;
how to be
construed.

then by posting up in at least three of the most public places in said village.

Affidavit of
publisher to
be taken as
evidence.

Sec. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the clerk of said village when publication is made by posting up, as provided for in this act, of notice of tax sale, or passage of any by-law, rule, regulation or ordinances of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

ARTICLE XXI.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

Annual
statement.

Sec. 1. The board of trustees shall, at the expiration of each year, cause to be made out and published, a true statement in writing, of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, together with the estimated receipts and disbursements for the ensuing year.

ARTICLE XXII.

OF DEPUTIES.

Deputy
marshals.

Sec. 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints, exercise the same powers, and be bound by the same responsibilities as the marshal, duly appointed under the provisions of this act.

ARTICLE XXIII.

OF MONEYS COLLECTED BY THE MARSHAL.

Marshal to
pay moneys
to treasurer.

Sec. 1. The marshal shall pay all moneys collected by him by virtue of his office, except as herein otherwise provided, within twenty days after receiving the same, to the treasurer of said village.

Treasurer to
give receipt.

Sec. 2. The treasurer of said village shall give a receipt in writing, signed by him as such treasurer, to the marshal, or

other person paying money to him on account of said village, acknowledging the receipt of the same.

ARTICLE XXIV.

OF HIGHWAYS.

Sec. 1. The said village shall be exempt from the superintendence and control of the commissioners of highways of the township of Milford, except for the purpose of building, maintaining and repairing the bridges across the Huron river and Pettibone creek within said village; the township of Milford and the said village shall be deemed the township of Milford, as the said township existed before the passage of this act, and shall be subject to the provisions of the general laws of this State, relative to the building, maintaining and keeping in repair such bridges, and in no case shall the said village be liable or bound to build, maintain or keep in repair such bridges.

Sec. 2. All moneys collected for highway purposes shall be kept a fund separate and apart from the general fund, and no money shall be appropriated or paid from said fund, except for highway purposes.

ARTICLE XXV.

OF PRIVILEGES TO FIREMEN.

Sec. 1. Each member of the fire department, or an engine, hook and ladder, bucket or hose company duly organized by the board of trustees, shall be exempt from poll tax, and shall also be excused from serving on juries.

ARTICLE XXVI.

OF THE POWER TO BORROW MONEY.

Sec. 1. The board of trustees of said village shall have power to borrow money for public improvements, on the credit of said village, not exceeding one thousand dollars in any one



year, provided the same may be authorized as required in section five, of article thirteen of this act.

ARTICLE XXVII.

OF THE OAKLAND COUNTY JAIL.

Corporation
allowed the
use of coun-
ty jail.

Sec. 1. The corporation shall be allowed the use of the common jail of the county of Oakland, for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation, or ordinance passed by virtue thereof, and all persons so committed to said jail, shall be under the charge of the sheriff as in other cases: *Provided*,
Proviso. The said county of Oakland shall in no manner be chargeable with the cost and expenses of such imprisonment in civil cases.

ARTICLE XXVIII.

OF THE COMPETENCY OF CITIZENS.

Citizens to
be compet'nt
as jurors.

Sec. 1. No person shall be deemed an incompetent judge, witness or juror in any case in which said corporation is interested, by reason of his being an inhabitant of said village, except as provided for in article nineteen, section one of this act.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 372.]

AN ACT to change the name of the plat and village of Crawville, in the county of Muskegon, to Fruitport.

Name
changed.

SECTION 1. *The People of the State of Michigan enact, That* the name of the plat and village of Crawville, in the county of Muskegon, be and the same hereby is changed to Fruitport.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 373.]

AN ACT to organize the township of Reynolds, in the county of Montcalm.

SECTION 1. *The People of the State of Michigan enact, That* ^{Township organized.} all of township number twelve north, of range ten west, and now forming a portion of the township of Pierson, in the county of Montcalm, be and the same is hereby set off from the residue of said last named township, and organized into a separate township by the name of Reynolds; and the first township meeting thereof shall be held at the house of David Swarthout, in said township, on the first Monday of April next.

Sec. 2. J. H. Maze, David Swarthout and John Moore are ^{Board of inspectors.} hereby made and constituted a board of inspectors for said township election, each of whom shall take the oath of office prescribed by the constitution.

Sec. 3. The electors present at the time and place of open- ^{Vacancies; how filled.} ing said first township meeting, may fill any vacancy or vacancies that may occur in said board of inspectors.

Sec. 4. If for any reason said township election shall not be ^{Proceedings when elect'n is not held at appointed time.} held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, or a majority of the same, on giving at least ten days' notice in four of the most public places in said township, which notice the said board of inspectors are hereby authorized and required to give.

Sec. 5. This act shall take immediate effect.

Approved March 30, 1869.

[No. 374.]

AN ACT to incorporate the village of Portland, in Ionia county.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} all that tract of country situated in the township of Portland, county of Ionia, and State of Michigan, which is described as follows: Commencing at the center of section twenty-seven,

year, provided the same may be authorized as required in section five, of article thirteen of this act.

ARTICLE XXVII.

OF THE OAKLAND COUNTY JAIL.

Corporation
allowed the
use of coun-
ty jail.

Sec. 1. The corporation shall be allowed the use of the common jail of the county of Oakland, for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation, or ordinance passed by virtue thereof, and all persons so committed to said jail, shall be under the charge of the sheriff as in other cases: *Provided*,
Provide. The said county of Oakland shall in no manner be chargeable with the cost and expenses of such imprisonment in civil cases.

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Sec. 3. The electors present at the time and place of open- ^{Vacancies; how filled.} ing said first township meeting, may fill any vacancy or vacancies that may occur in said board of inspectors.

Sec. 4. If for any reason said township election shall not be ^{Proceedings when elect'n is not held at appointed time.} held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, or a majority of the same, on giving at least ten days' notice in four of the most public places in said township, which notice the said board of inspectors are hereby authorized and required to give.

Sec. 5. This act shall take immediate effect.

Approved March 30, 1869.

[No. 374.]

AN ACT to incorporate the village of Portland, in Ionia county.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} all that tract of country situated in the township of Portland, county of Ionia, and State of Michigan, which is described as follows: Commencing at the center of section twenty-seven,

town six north, of range five west; thence west one and one-half miles to the west quarter stake of section twenty-eight; thence south one and one-fourth miles; thence east one and one-half miles; thence north one and one-fourth miles to the place of beginning, be and the same is hereby made and constituted a village corporate, to be hereafter known and designated by the name of the village of Portland.

Elections;
when and
where held.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of this State, shall meet at R. H. Schofield's hall, in said village, on the first Monday of May, eighteen hundred and sixty-nine, from nine o'clock A. M., till twelve o'clock, noon, and annually on the first Monday of May, thereafter, at such place as shall be provided in the by-laws of said village, and then and there, by ballot, shall select, by plurality of votes, a president, clerk, assessor, treasurer, marshal, and two trustees of said village, who shall hold their office for one year, or until their successors are chosen and qualified; and two trustees for two years, or until their successors are chosen and qualified; and two trustees for three years, or until their successors are chosen and qualified; and annually thereafter, as aforesaid, a president, clerk, assessor, treasurer, and marshal of said village shall be elected, who shall hold their respective offices for one year; and two trustees, who shall hold their respective offices for two years, or until their successors are chosen and qualified; but if an election of the aforesaid officers shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the general election.

Officers
and terms
of office.

Judges and
clerk of
election.

Sec. 3. At the first election to be held in said village under this act, there shall be chosen by the qualified electors there present, from among their number by *viva voce* vote, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before enter-

ing upon the duties of his office, take an oath before some per-^{Oath of}
son authorized to administer oaths, that he will faithfully and
impartially discharge the duties thereof. The said board shall
conduct the said election and certify the result thereof; and at
each and every election thereafter to be held in said village,
under the provisions of this act, any two of the trustees may be
judges, and the clerk of the village, or his substitute, shall be
the clerk of the election, who, together, shall constitute the
board of inspectors thereof; and all such elections shall be con-^{Manner of}
ducted, as nearly as may be, in the same manner as is provided^{conducting}
by law for holding of general and special elections in the State^{elections.}
of Michigan, except as herein otherwise provided; and the in-
spectors shall have the same powers and authority for the pres-
ervation of order, during the time of holding the elections
and canvassing the votes, as are conferred by law upon inspect-
ors of general elections held in this State; and it shall be suffi-^{Poll list.}
cient to keep but one poll list at any election held for said vil-
lage; and when the inspectors holding any election shall have
completed the canvass of votes, they shall thereupon certify
and declare in writing, the whole number of votes given for
each officer, the names of the persons for whom such votes for
each office were given, and the number of votes so given to
each person, and shall file such certificate in the office of the
clerk of said village, the same or succeeding day of such elec-
tion, together with the poll list and box or boxes containing all
the ballots cast at said election; and within twenty-four hours^{Inspectors}
after such certificate shall have been so filed, the said inspec-^{to determine}
tors shall complete said canvass, and determine what persons^{what persons}
are elected to the several offices respectively, and cause said^{are elected.}
determination to be entered upon the records of said village;
and if any officer shall not have been chosen by reason of two^{Two.}
or more candidates having received an equal number of votes,
the inspectors of such election shall determine, within the time
aforesaid, by lot, which of such persons shall be considered
elected.

Clerk to
give notice
of elections.

Sec. 4. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding any election, either by posting written or printed notices in three of the most public places in said village, or by causing the same to be published in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election; and on the day of election held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon of the same day; and within five days after the closing of the poll of any election, the clerk of said village shall notify each person elected of his election, and the officers elected shall enter upon their duties the ensuing Monday.

Polls; when
opened and
closed.

Officers to
take oath.

Sec. 5. The president and every other officer elected or appointed under the provisions of this act, shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk.

Village board;
who to con-
stitute.

Duties of
president.

Sec. 6. The president and trustees shall constitute a village board, a majority of whom shall constitute a quorum for the transaction of business. A less number, however, may adjourn from time to time. The president shall be executive officer of the village; he shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect one of their own number a president *pro tem.*, who shall have all the powers, and perform all the duties of the president. It shall be the duty of the clerk to attend all meetings of the village board, keep a fair and accurate record of their proceedings,

Clerk.

and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Sec. 7. The president and trustees of said village shall be a <sup>Body cor-
porate and
politic.</sup> body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of "the president and trustees of the village of Portland," and may have a common seal, which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same; and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president, or any one of the trustees of the village, at least six days before the return day thereof.

Sec. 8. The president and trustees shall have power to <sup>President
and trustees
to pass laws
relative to—</sup> ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, to wit: For the appointment of such officers (whose election is <sup>Appointm't
of officers.</sup> not herein provided for) for said village as they may deem necessary, and to fix the compensation for their services, and also, such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve ^{Police.} the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize <sup>Fire
department.</sup> a fire department, and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend, and punish ^{Vagrants.} vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets, or other public places; to regulate, suppress, and restrain disorderly <sup>Billiard
tables.</sup> and gaming houses, billiard tables, and other devices and instruments of gaming; and shall have exclusive power and authority to license such persons as tavern keepers and common <sup>Tavern
keepers.</sup> victualers as they shall think best, but no license shall be in force except during the term of office of the board granting it;

Liquors.	to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and
Fast driving.	punish immoderate riding or driving in any street, or over any bridge, and to authorize the arrest and detention of any person who shall be guilty of the same; to abate, prevent and remove
Disorderly houses.	nuisances; to suppress disorderly houses and houses of ill-fame, and to punish the inmates and keepers thereof; to pre-
Incumbering of streets.	vent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, bridges, parks, and public grounds within said village; to compel the owners or occupants of lots to clear sidewalks in front of or adjacent thereto, of snow, ice, dirt, mud, boxes, and every
Gunpowder.	incumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons and fireworks;
Markets	to construct and regulate markets; to regulate the vending of meats, vegetables, fruit, fish, and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber and coal; to reg-
Weights and measures.	ulate the gauging of vessels containing liquor, the sealing of weights and measures; to regulate and maintain one or more
Pounds.	pounds, and to provide for the restraint of horses and cattle, sheep, swine and other animals, geese and other poultry, and to authorize the taking up, impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding, and to punish for the rescuing the same before all costs
Dogs.	and charges are paid; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate
Cartmen, etc.	and license cartmen, porters, hacks and cabs, and to regulate their rates of compensation; to prevent runners from soliciting
Hydraulic works.	travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one
Wells and cisterns.	year; to establish wells and cisterns, and to prevent the waste of water; to regulate and prohibit bathing in the public waters within said village; to purchase grounds for, and regulate cem-

steries and the burial of the dead, and to provide for the re-Cemeteries.
 turn of the bills of mortality, and to order the use for burial
 purposes, of any burial ground or cemetery to be discontinued
 whenever they may deem the same necessary for the best inter-
 est or health of the citizens; to ascertain, establish and settle
 the boundaries of all streets and alleys, and to establish grades <sup>Boundaries
of streets.</sup>
 therefor; to order and cause to be drained or filled, any low or
 marshy land, to cleanse and regulate any grounds, yards,
 basins, cellars, or vaults within said village, that may be sunken,
 damp, foul, incumbered with rubbish or unwholesome, and to
 assess the cost and expense thereof on the premises benefited;
 to establish lines upon which buildings may be erected, and <sup>Building
lines.</sup>
 beyond which such buildings shall not extend; to prevent the <sup>Unsafe
buildings.</sup>
 erection of buildings in an unsafe manner, and to pass all nec-
 essary regulations relative to buildings deemed unsafe; to reg-
 ulate the building of partition and other fences; to establish
 fire limits, within which no wooden buildings shall be moved,
 built or enlarged; to regulate party walls, chimneys, flues, and ^{Party walls.}
 putting up of stoves and stove-pipes, and other things that may
 be deemed dangerous in causing or promoting fires; to pur- ^{Fire engine.}
 chase and keep in order fire engines and other fire apparatus,
 and construct buildings to store them; to cause each building
 occupied as a house, store or shop, to be provided with fire
 buckets and ladders, and to organize, maintain and regulate all
 such fire engine, hook and ladder, hose and bucket companies
 as may be deemed expedient, and may appoint from among the
 inhabitants of said village, such number of men willing to ac-
 cept, as may be deemed proper and necessary to be employed
 as firemen; and every such company shall make their by-laws
 and rules for the organization and government of the company,
 subject to the approval of the village board; to regulate the
 duties, powers and fees of village officers; to prescribe the set- ^{Shade trees.}
 ting of posts and shade trees; to provide for the construction
 of sidewalks and repairing the same; to grade the walks, ^{Sidewalks.}
 streets and alleys, and to prescribe the manner of planking or
 repairing of them; the cost and expense of planking or repair-

	ing sidewalks, grading or paving streets, walks and alleys, the paving or planking to be paid by assessments on the lots in front of or adjoining either or all such improvements which shall be made: <i>Provided</i> , That so much money belonging to the highway fund of said village as the president and trustees may direct, may be expended for grading: <i>And provided further</i> ,
<i>Proviso.</i>	
<i>Ibid.</i>	That no more than ten per cent. on the assessed value of any lot shall be collected in any one year for such purposes; to construct sewers, drains and culverts; to grade, gravel, pave, repair, amend and otherwise improve the streets, lanes, alleys, public grounds and parks in said village; to lay out, establish, open, extend, widen, straighten, alter, close and vacate such streets, highways, alleys, lanes, water-courses, squares, market places and public parks in said village, as they shall deem necessary for the public good and convenience, under the restrictions provided for in this act; to prescribe the levying and collection of highway and other taxes; to regulate the covering of mill-races, at the expense of the owners thereof; to rail and curb, when necessary, all walks at the expense of the owners of the adjoining lots; to license and regulate auctioneers, peddlers and pawn-brokers, and auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise and other property, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets; to prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to provide a village jail in which it shall be lawful to confine persons arrested for violation of any village ordinance or by-law until the conclusion of their trial, unless admitted to bail according to law; to provide for taking a census whenever they shall see fit; to levy taxes on all personal and real estate within
<i>Streets.</i>	
<i>Highway and other taxes.</i>	
<i>Peddling.</i>	
<i>Exhibitions.</i>	
<i>Violation of the Sabbath.</i>	
<i>Census.</i>	

the limits of the village, excepting places of public worship belonging to any church or congregation, all grounds and buildings used exclusively for educational purposes, and all property belonging to the village, town, county or State; but it shall not be lawful to levy in any one year, an amount exceeding one per centum on the assessed valuation of the real and personal property of said village, exclusive of highway or other special taxes; and such levy of taxes as aforesaid, shall be made on or before the second Monday of November of each and every year. For the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper, which shall be paid into the village treasury to be used and appropriated as shall be directed by the board of trustees as aforesaid; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Portland; and any interest the inhabitants of said village may have in the fine or penalty to be recovered, shall not disqualify any of them to try said cause, or to serve as a juror or witness therein; and the circuit court for the county of Ionia shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Limitation
of taxes.

Penalties.

Powers of
circuit court.

Sec. 9. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two successive weeks in three public places in said village; and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication.

When any
by-law or
ordinance
shall take
effect.

Sec. 10. All taxes levied upon real estate, and all assessments made thereon for the opening, widening, extending, paving,

Tax to be a
lien on real
estate.

grading, planking or repairing of any street, alley or sidewalk, and all highway taxes, shall be and remain a lien upon said real estate, until the same is paid.

Annual
statement;
contents of

Sec. 11. The president and trustees shall, at the expiration of each year, cause to be made and published, a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against the village, or accounts with it, not previously audited, and shall make out in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the president and trustees, and the object and purpose for which the same were made; the amount of money expended under such appropriations; the amount of taxes raised; the amount expended on streets; the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village, and such statement shall be placed on file in the office of the village clerk, and subject to inspection at any and all times by the citizens of said village.

Accounts to
be verified
by affidavit.

Sec. 12. Before any account or demand shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper date in detail, which affidavit may be taken and certified by any member of the village board, or by any person authorized to administer oaths.

Assessment
roll; con-
tents of.

Sec. 13. The assessor of said village shall, once in each year, and on or before the second Monday of May, make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the name of all persons liable to pay a capitation or poll tax, as provided for in this act, and shall estimate and set down in such roll the valuation of all such property at its fair cash value,

placing the value of personal property on a separate line; and it shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice by publishing thereof, either in some newspaper printed in said village, or by posting the same up in three public places in said village, of the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed. After the expiration of the said ten days, the assessor and president and trustees shall immediately proceed to estimate, apportion and cause to be set down, in a column opposite to the several sums set down as the value of real and personal estate, in the assessment roll, the respective sums in dollars and cents, to be paid as a general tax or assessment thereon; and the tax upon real estate shall be set down in a column by itself; any special tax, or assessment for public or local improvements, authorized by any provisions of this act, may be included in said assessment roll, and shall be set down in a column by itself, opposite the proper description; any capitation or poll tax authorized by this act may be included in said assessment roll, and the last column of said roll shall contain the total amount of taxes; and they shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of the goods and chattels of such person or persons, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the

Notice of
time for re-
viewing.

Completion
of, and de-
livery to
marshal.

Proceedings
when persons
refuse to pay

Special assessment to be legal. treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the president and trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment as herein provided.

Distress and sale; when authorized.

Return of unpaid taxes.

Taxes to remain a lien on property.

Sec. 14. If any person or persons shall refuse or neglect to pay the sum or sums at which he, she or they shall be taxed or assessed, as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the persons to whom the same is assessed, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax and assessment, with the charges of distress and sale thereon, the surplus shall be paid to the owner or owners of such goods and chattels on demand; and in case the marshal shall be unable to collect any of the taxes mentioned in said roll or copy thereof, up to the time mentioned in the warrant and renewal thereof, he shall make in said roll, or copy thereof, or permanently attach thereto a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid; and further, that he has not been able to collect the same, nor upon diligent inquiry to discover any goods and chattels subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver said roll or copy thereof, with the statement as above mentioned, to the treasurer of said village within five days thereafter; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien thereon, until the same is paid.

Sec. 15. Whenever any tax assessed upon personal property under the provisions of this act shall be returned by the marshal for non-payment, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax; and in case any person liable to pay such tax upon personal property shall have removed out of the village after the assessment and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

Marshal authorized to sue persons for taxes.

Proceedings when person has moved from village.

Sec. 16. Whenever any real estate shall have been returned by the marshal for delinquent taxes, the treasurer of said village shall preserve a list of the same; and if any such taxes, or assessments upon real estate returned for non-payment of taxes as provided in section fourteen of this act, and the interest thereon, to be computed at the rate of twenty per cent. per annum until paid, shall remain unpaid for the period of one year from the date of the warrant to the marshal as aforesaid, the said treasurer shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least six weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of said publication, recorded in the manner prescribed in section nine of this act, shall be deemed *prima facie* evidence of the fact of such publication.

When real estate may be sold at auction.

Notice of sale.

Proceedings
on day of
sale.

Certificate
of purchase.

Conveyance.

Proviso.

Compensat'n
of treasurer.

Money; how
drawn from
treasury.

Sec. 17. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon at the rate of twenty per cent. per annum from the date of said certificate, the treasurer or his successor in office shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the land sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: *Provided*, All proceedings connected with the raising and levying such tax and the sale for the non-payment thereof, are according to law, and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner and duly recorded.

Sec. 18. The treasurer of said village shall receive the same fees, in cases of sale, as aforesaid, as are allowed by law to county treasurers for like services; and the expenses for the advertising of any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively, as are charged upon lands delinquent for State and county taxes.

Sec. 19. No money shall be drawn from the treasury except by appropriation of the president and trustees, and orders di-

recting the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Sec. 20. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office, under the provisions of this act; and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Sec. 21. All moneys assessed and raised for highway purposes shall be kept a fund, separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

Sec. 22. No officer appointed by the president and trustees shall hold his office for more than one year, or until his successor is appointed, and the president and trustees may require of them, and any other officer who may be elected under the provisions of this act, such security, by bond, for the performance of the duties of their respective offices, as shall be deemed expedient, which bond shall run to the treasurer of the corporation, and his successors in office; and a suit may be brought for any breach of said bond in the name of the president and trustees of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear and determine the same.

Sec. 23. The marshal shall have general supervision of the village, and shall see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gambling house, or any

building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed any breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Portland, who shall try, hear and determine the matter upon proof, in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

To arrest offenders.

To compel aid at fires.

Proviso.

To be subject to control of trustees.

Sec. 24. The marshal shall at all times be subject to the supervision and control of the president and trustees, in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties; but the cause of such removal shall, in all cases, be made a matter of record by them.

Resignation of officers.

Sec. 25. The resignation of any officer, authorized by this act to be elected or appointed, shall be made to the president and trustees, subject to their approval or acceptance.

Vacancies.

Sec. 26. If any officer elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office, under the provisions of this act, shall neglect to file his oath of office, as in this act directed, or shall neglect to file an official bond when the same is required, such neglect may be deemed a refusal to serve; and in case of such neglect, the president and trustees may proceed immediately to cause such office to be supplied as in case of a vacancy.

Vacancy in office of president.

Sec. 27. In case a vacancy shall occur in the office of president, the same shall be supplied by a special election; and in all

other cases of vacancy, the same may be filled by appointment by the president and trustees for the unexpired term.

Sec. 28. The president and trustees shall not receive any pecuniary compensation for their services, except while acting as judges of election, and when determining what persons are elected thereat, for which services they shall be entitled to the same compensation as is or shall be allowed by law to inspectors of election in the several townships of this State; the clerk, assessor, treasurer, marshal, and all officers appointed by the president and trustees, shall be entitled to such compensation for their services as the president and trustees shall from time to time direct, by resolution entered upon their records.

Sec. 29. The corporation shall be allowed the use of the common jail of the county of Ionia, for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Sec. 30. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on jury; and the president and trustees may pass such laws as they may deem proper, to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the aid and assistance of citizens to aid in extinguishing any fire.

Sec. 31. The president and trustees shall be the commissioners of streets and highways within the limits of the village, and shall have the same power and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State, except as to the bridges across Grand and Looking Glass rivers, and shall appoint one or more overseers of highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and per-

sonal property in said village, not exceeding five hundred dollars, nor less than one hundred and fifty dollars, in any one year; and no other highway taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of fifty, residing in said village on the first day of April, in each year, except paupers, idiots, lunatics, and those excepted in section thirty of this act, and other persons who are by law exempt, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax, who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of said corporation the sum of five dollars, to be recovered in the name of the president and trustees, in an action of debt, before any justice of the peace of the township of Portland, or of any other township in this State, to which any such person shall have removed; and the president and trustees shall cause a list to be made and delivered to the marshal on or before the second Monday of May, in each year, of all persons liable to pay said poll tax; and the president and trustees shall have exclusive control of the highway money levied and collected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November, in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property in said village from any township tax that may be legally levied within and for the township of Portland, for the repairing, building or re-building of any bridge within said township; and the commissioners of highways of the township of Portland shall possess the same powers and are charged with the same duties, within the corporation limits of said village, as to the building or re-building and maintenance of any

Power of, to
levy taxes.

Poll tax;
who to pay.

Proviso.

Ibid.

Powers of
township
commis'rs.

and all bridges across Grand and Looking Glass rivers, as are now required of them by law; and the township of Portland shall pay the expense of erecting and maintaining such bridge or bridges.

Sec. 32. Whenever the lands of any person shall be required to be taken for the constructing, opening, extending, widening, or straightening of streets, highways, alleys, lanes, water-courses, squares, market-places and public parks, drains or sewers within the limits of said village, the president and trustees shall give notice thereof to the owner or parties interested, or his, her or their agent or representative, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the said president and trustees, for any of the purposes aforesaid; and the said president and trustees are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said president and trustees to direct any justice of the peace of the township of Portland to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such grounds or premises; which jury, being first duly sworn by said justice, faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises, for their respective losses,

Proceedings
when private
property is
taken for
streets.

Notice to
owner.

Summoning
of jury.

Jury to
award
damages.

according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered to the claimant or claimants thereof, before such street, highway, alley, lane, water-course, drain, sewer, square, market-place or public park shall be made, opened, extended, widened or straightened. It shall thereupon be lawful for the president and trustees to cause the same grounds or premises to be occupied and used for the purposes aforesaid:

*Compensat'n
tendered to
owner.* *Provided,* That the president and trustees, or any party claiming damages as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to the said justice, in writing, within ten days, or in case of the absence of said party from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury and the judgment of said justice as aforesaid; upon the filing of a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Ibid,* *Provided,* That if final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

*License
money to be
paid into
treasury.* Sec. 33. All moneys received for licenses granted to tavern keepers or common victualers, under the provisions of this act, shall be paid to the treasurer of said village, to be credited as other licenses.

*Who eligible
to office.* Sec. 34. No person shall be eligible to any office in this corporation, unless he shall have resided in said village six months next preceding his election, and shall be entitled to vote therein.

Sec. 35. This act shall be favorably construed and received Public act. in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 36. This act shall take immediate effect.

Approved March 30, 1869.

[No. 375.]

AN ACT to enlarge the corporate limits, and to re-incorporate the village of Union City under a special charter.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. so much of the township of Union, in the county of Branch, as is included in the following territory, to wit: The west half of section four, and the east half of section five, in town five south, of range seven west, being in Branch county, State of Michigan, be and the same is hereby constituted a village corporate by the name of the village of Union City.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution of the State, shall Time and place of holding election. meet at such place in said village as the president and board of trustees of the present village of Union City shall designate, on the second Tuesday of April next, and on the first Tuesday of March annually thereafter, and then and there, by a plurality of votes, elect by ballot from among the qualified electors of said village, one person to be president of said village; and Officers and terms of office. three persons shall in like manner be elected trustees for one year and three for two years, and annually thereafter a president shall be elected as aforesaid, who shall hold his office for one year, and three trustees shall be elected who shall hold their offices for two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election

at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election. The president and three trustees thus elected, together with three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of president.

Village board, who to constitute.

Duties of president.

Clerk to give notice of elections.

Polls; when opened and closed.

Sec. 3. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Judges and clerk of election.

Sec. 4. Any two of the trustees may be judges of the election, and the clerk of the village, or his substitute, shall be the clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges or clerk of election, and said board shall have power to preserve the purity of the election, as is now or may be hereafter given to township boards of election.

Officers to take oath.

Sec. 5. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or

affirmation, which may be administered by any trustee, or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint a village clerk, who shall hold his office one year, unless sooner removed by them, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village.

Trustees to
appoint vil-
lage clerk.

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of "The Common Council of the Village of Union City," and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being sued, of impleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record, and any other place whatsoever; and may have a common seal, and may alter and change the same at their pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real or personal estate for the use of the said corporation.

Body cor-
porate and
politic.

Sec. 7. The common council shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, viz: For the appointment of a marshal, and prescribing his duties; one assessor, a treasurer, one or more street commissioners, an attorney, and such other officers for said village as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and policemen, and organize

Common
council may
pass laws
relative to

Village
officers.

Public
property.

Riots.
Police.

Fire department.	a fire department and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend and punish
Vagrants.	vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other
Gaming.	public places; to suppress and restrain disorderly and gaming houses, billiard tables, and other devices and instruments of
Tavern keepers.	gaming; and shall have the exclusive power and authority to license such persons as tavern keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it, nor shall authorize the
Liquors.	sale of spirituous liquors; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or ap-
Fast driving.	prentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent, and remove nuisances; to sup-
Houses of ill-fame.	press all disorderly houses, and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel
Obstructions on walks.	the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public
Clearing of sidewalks.	grounds; to compel the owners or occupants of lots to clear sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereto; to
Powder.	regulate the storage of powder, lumber, or other combustible material; to prevent the use of firearms, slung-shots, and other
Markets.	weapons and fireworks; to construct and regulate markets, the vending of poultry, meat, vegetables, fruit and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the
Pounds.	gauging of vessels containing liquor, the sealing of weights and measures; to regulate and maintain pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules and other animals, geese and other poultry; to prevent the running
Dogs.	at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any or-
Cartmen.	dinance; to regulate and license cartmen, porters, hacks and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow

money for public improvements, not exceeding two thousand dollars in any one year; to establish wells and cisterns, and to prevent the waste of water; to prevent bathing in public streams; to purchase grounds for and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use, for burial purposes, of any burial ground or cemetery to be discontinued whenever they may deem the same necessary for the best interest or health of the citizens; to ascertain, establish and settle the boundaries of all streets and alleys, and to establish grades therefor; also, to order and cause to be drained or filled up such places as they may deem necessary, and to assess the cost and expense on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or shop, to be provided with fire buckets and ladders; to establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or repairing them, the cost and expense of repairing sidewalks, grading the walks, streets and alleys, the paving or planking to be paid by assessments on the lot in the front of or adjoining either or all of such improvements shall be made: *Provided*, That so much money belonging to the highway fund of said village as the common council may direct, may be expended

Borrowing money.

Cemeteries.

Boundaries of streets.

Partition and other fences.

Fire engines.

Fire limits.

Hazardous buildings.

Duties of officers.

Grading streets, etc.

Proviso.

Ibid.	for grading: <i>And provided further</i> , That not more than five per cent. on the assessed value of any lot shall be collected in any one year for such purpose; to construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and to extend those already laid out, under the restrictions provided in this act; to vacate streets and
Levying and collection of taxes.	alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking a census whenever they shall see fit; to regulate theatres, shows and concerts; to regulate and tax, at their discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawnbrokers; to regulate the covering of mill-races, at the expense of the owners thereof; to determine on what questions none but tax-payers may vote; to rail and curb where necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, excepting also, places of public worship belonging to any church or congregation, and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening or extending streets, lanes, alleys, drains, or sewers, but not until such individual shall be paid the value thereof, and all buildings thereon, and all the damages he will sustain, as provided for in this act; for the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed by the law itself as the common council may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Union, and any interest the inhabitants of the village of Union City may have in the fine or penalty to be recovered, shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein; and the circuit court of the county of Branch shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.
Auctions.	
Railing walks.	
Taking private lands for streets.	
Fines and penalties.	

Sec. 8. For the purpose of building, maintaining and repairing the bridges over the St. Joseph river, within the limits of said village, the township of Union and the said village shall be deemed the township of Union, as the said township existed before the incorporation of the village of Union City, and shall be subject to all the provisions of the general laws of this State relative to the building, maintaining and keeping in repair such bridges. Township and village to be subject to bridge laws.

Sec. 9. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making or repairing a street or alley, or making or repairing sidewalks, and all highway taxes, shall be and remain a lien upon said estate until the same is paid. Taxes to remain a lien on property.

Sec. 10. The common council shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if one is not printed therein, then to post up on the door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year. Annual statement.

Sec. 11. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least once a week for two successive weeks, in a newspaper printed in said village, or until it shall have been posted up for two weeks in three public places in said village; and an affidavit of the said publication, in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper, then by the publisher of the newspaper in which the same was published, entered at large upon the record of said corporation, shall be *prima facie* evidence of such publication. When by-law or ordinance shall take effect.

Sec. 12. The assessor of said village shall, once in each year, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants, or agent thereof, Assessment roll; contents of.

if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of personal property on a separate line; and it shall be the duty of the common council once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax shall be levied on the same, to give ten days' notice, by publishing thereof the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any person or persons deeming themselves aggrieved, may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed; after the expiration of the said ten days the assessor and common council shall immediately proceed to estimate, apportion and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums in dollars and cents, to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand and seal of said assessor, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein set opposite their respective names as a tax or assessment, and authorize him in case any of them shall neglect or refuse to pay such sums to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the common council may deem best; and when any assessment shall be made for any special improvement it shall be legal, even if it is not made at the time of making the grand list, notice being given of the review of said assessment as herein provided.

Notice of.

Council and assessor to complete and deliver to marshal.

Marshal to collect taxes by distress and sale.

Special assessment to be legal.

Sec. 13. If any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, and said tax thereafter, shall be a lien on the same.

Proceedings
when person
refuses to
pay tax.

Sec. 14. The tax upon real estate, with all the assessments, for the purposes named in the ninth section of this act, shall be put down in the assessment roll by itself in a column; and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessment, and interest, together with all charges thereon: *Provided*, That if less than the whole tract described shall be sold for such taxes, such part sold shall be taken from the northern portion of such description, first giving at least thirteen weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; an affidavit of such publication, recorded in the manner prescribed in the eleventh

Return
of unpaid
taxes.

Provided.

section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Treasurer to
sell lands.

Sec. 15. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as

Certificate of
purchase.

aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for

Conveyance.

the said lands; and unless within one year from the date of the sale thereof there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such certificate, the treasurer, or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom

Proviso.

it shall be given, an estate in fee simple: *Provided*, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law; and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.

When may
be used as
evidence.

Fees of
treasurer.

Sec. 16. The treasurer of said village shall receive the same fees in case of sales as aforesaid, as are allowed by law to the county treasurer for like services; and the expenses for the advertising of any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes respectively as are

charged upon land and unpaid, in proportion to the amount of such person's tax as charged and unpaid.

Sec. 17. No money shall be drawn from the treasury except by appropriation of the common council, and orders directing the payment of any and all sums of money, shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the clerk and countersigned by the president.

Sec. 18. No member of the common council, during his continuance of office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provision of this act; and during the time for which he may be elected a member of said common council, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Sec. 19. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from said highway fund except for highway purposes.

Sec. 20. No officer appointed by the common council shall hold his office for more than one year, or until his successor is appointed; and the common council may require of any of them security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the treasurer of the corporation and his successors in office; and a suit may be brought for any breach of said bond, in the name of the common council of said village, as in other cases, before any justice of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Sec. 21. All officers appointed by the common council shall at all times be subject to their supervision and control, in the discharge of their official duties, and may be removed from office

by a majority of their whole number, for any refusal or neglect to comply with their orders or directions, or for any gross neglect in the discharge of other official duties, but the cause of such removal shall in all cases be made a matter of record by them.

Vacancies.

Sec. 22. A vacancy in any appointive office, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment, to be made by the common council; and any vacancy in the number of trustees shall be filled in the same manner.

Compensation
of appointed
officers.

Sec. 23. The marshal, clerk, attorney, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation may direct.

Marshal to
be chief of
police.

Sec. 24. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to constables of any township, having power to enter into any disorderly or gaming house or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace or where any felony or breach of the peace is being committed, to arrest disorderly persons or felons, and those engaged in unlawful assemblages, without process, and take them before any justice of the peace of the township of Union, who shall hear, try and determine the matter upon proof in a summary way; to compel the citizens to aid in extinguishing fires; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

To arrest
felons.

Proviso.

Village
prison.

Sec. 25. The common council shall have authority to build or purchase a suitable place to be used as a watch-house or village prison, and appoint the requisite officers for the same; and until such prison is built or purchased, the sheriff of Branch county is hereby authorized to receive criminals and persons

committed for offenses against the by-laws of said village into the common jail of said county, on the same terms and for the same fees, to be paid by said village, as in other cases.

Sec. 26. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the common council, shall be exempt from poll tax, or serving on juries; and the common council may pass such laws as they may deem proper to prevent or extinguish fires, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Firemen to be exempt from poll tax and jury service.

Sec. 27. The common council shall be the commissioners of streets and highways, and within the limits of the village shall have the same power and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of this State, and shall appoint one or more street commissioners to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected upon the real and personal property in said village, not exceeding one thousand dollars nor less than one hundred and fifty dollars in any year; and no other highway taxes shall be levied and collected in said village, except that every male inhabitant above the age of twenty-one years and under the age of sixty, residing in said village on the first day of April in each year, except paupers, idiots, lunatics, and those excepted in section twenty-six of this act, and by general laws, shall be liable to pay a poll tax of one dollar, to be collected by the marshal; and every person so liable to pay a poll tax who shall neglect or refuse to pay the same within ten days from the time of demand made by the marshal, shall forfeit to the use of the said corporation the sum of five dollars, to be recovered in the name of the common council, in an action of debt, before any justice of the peace of the township of Union; and the common council shall cause a list to be made and delivered to the marshal in the month of April in each year, of all persons liable to pay said poll tax; and the common council shall have the exclusive control of the highway money levied and col-

Council to be commissioners of streets.

Poll tax; who to pay

How may be collected.

Proviso. lected in the village: *Provided*, That their power to order fences to be removed, and to remove such fences themselves, and to open, widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Union, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damage for which said township may become liable by reason of any neglect in keeping any bridge or public highway in proper repair.

Ibid.

Proceedings when private lands are taken for public use.

Notice to owner.

Summoning of jury.

Sec. 28. Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains, or sewers within the limits of said village, the common council shall give notice thereof to the owner or parties interested, or his, her or their agent or representatives, by personal service, or by written notice posted up in three of the most public places in said village, at least three weeks next preceding the meeting of the common council for any of the purposes aforesaid; and the said common council are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said common council to direct any justice of the peace of the township of Union to issue a *venire facias*, to command the marshal of said village, or any constable of said county to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before him at any time therein to be stated, to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor to the owner or owners of, or parties interested in such

grounds or premises, which jury, being first duly sworn by said ^{Jury to} justice, faithfully and impartially to inquire into the necessity ^{award} of using such grounds or premises, and the just compensation ^{damages} to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so as- ^{Compensat'n} ^{tendered to} ^{owner.} sessed, together with all the costs, shall be paid or legally tendered, before such street, lane or alley, sidewalk, drain or sewer, or highway, shall be made, opened, or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the common council, or any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any other court of competent jurisdiction, upon giving notice of his, her or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village, (at the time of the rendition of the judgment,) then within thirty days after the verdict of said jury, and the judgment of said justice, as aforesaid, such appellant first giving a bond, with two sufficient sureties, to be approved by said justice, conditional to pay all costs that may be awarded against him in said circuit court; upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages shall not exceed the damages assessed be- ^{Proviso.}

fore the justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Public act.

Present laws
to remain in
force.

Sec. 29. This act shall be deemed a public act. All acts done, rights accrued or acquired, or proceedings had or commenced by virtue of the organization of the present village of Union City, under the general laws of this State, are hereby saved and secured, and all rules, by-laws and ordinances of the village under said organization, not inconsistent with the provisions of this act, or the laws of this State, shall continue in force until repealed by the common council; and all officers elected or appointed under said organization shall continue to hold their offices during their term, or until their successors are elected and qualified according to the provisions of this act.

Sec. 30. This act shall take immediate effect.

Approved March 30, 1869.

[No. 376.]

AN ACT to legalize the survey and replatting of the village of Marine City, county of St. Clair, made in the year eighteen hundred and sixty-five.

Survey
declared
legal.

SECTION 1. *The People of the State of Michigan enact, That the survey and replatting of the village of Marine City, in St. Clair county, made by Charles Palmer in the year eighteen hundred and sixty-five, and now on record in the register's office of St. Clair county, be hereby declared legal and valid: Provided, That the vested rights of any person or persons, acquired before the passage of this act, shall not be diminished thereby: And provided further, That no streets or highways heretofore laid out shall be discontinued, altered or changed by such survey.*

Proviso.

Ibid.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 377.]

AN ACT to amend sections one, six, eleven, and twenty of an act entitled "An act to incorporate the village of Mt. Clemens," approved April fourth, eighteen hundred and fifty-one.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections amended.} sections one, six, eleven, and twenty of an act entitled "An act to incorporate the village of Mt. Clemens," approved April fourth, eighteen hundred and fifty-one, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} every inhabitant of the State, residing or hereafter to reside within the following boundaries, to wit: Commencing at a point in the center of the Clinton river, upon the township line between Clinton and Harrison, in the county of Macomb; thence following the center of the said Clinton river up stream, to a point where the division line strikes said river between the lands of Campbell and Sackett, and the lands belonging to Samuel Wood; thence running upon said division line north, between the lands of said Campbell and Sackett, and between the land of said Samuel Wood; also, between the lands of M. P. Rose and the said Campbell and Sackett, until said division line strikes the N. W. corner of the lands belonging to said M. P. Rose; thence easterly upon the north line of M. P. Rose's land, until it strikes the N. E. corner of fractional section number ten (10); thence easterly along the north lines of Robert Little, Mitchel Tromble, Antoine Moross and R. P. Eldredge's lands, to the west line of fractional section fourteen (14); thence southerly upon R. P. Eldredge's east line, to the N. E. corner of land formerly belonging to Luther Pratt and Andrew Greiner; thence easterly upon the said Pratt's and Czizik's north line until it strikes the north branch road; thence southerly upon said north branch road until it strikes the north line of the village corporation; thence easterly along said corporation line until it crosses the Fort Gratiot road; thence along said corporation line until it intersects the Har-

Body
corporate
politic.

rison town line; thence southerly along said old corporation line, to the place of beginning, be and the same are hereby ordained, constituted and declared to be from time to time, forever hereafter, one body politic and corporate, in fact and in name, by the name of the "President and Trustees of the village of Mt. Clemens," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded in all suits of what nature soever, and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be citizens of said village, and the territory embraced within the boundaries aforesaid shall be designated and known as "The Village of Mt. Clemens."

Council to
pass laws
relative to—

Sec. 6. The village council shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes:

Election of
officers.

First. For the election or appointment of a treasurer, three assessors, a marshal, and other officers for said village, and to prescribe their duties, declare their qualifications, and the period of their appointment or election: *Provided*, That no officer shall hold his office for more than one year, or until others be elected or be appointed, and the fees any one of them shall be entitled to receive for his services, and to require of any or of all of them an oath or affirmation, faithfully to discharge the duties of their respective offices, and to require of any of them such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the treasurer of said corporation and his successors in office, and said treasurer or his successors shall have power to sue for all breaches of the same, before any justices of the peace, or the circuit court of said county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

Proviso.

Cattle.

Second. To prohibit the running at large of swine, cattle,

mules, geese, horses, goats and sheep, within the limits of said village.

Third. To regulate the building of partition and other fences. Fences.

Fourth. To purchase fire engines and other necessary apparatus for the extinguishing of fires; to cause each building occupied as a house or store, to be provided with fire buckets, and to prescribe the manner in which stoves, with their pipes in actual use, shall be put up, and chimneys built to guard against fires. Fire engines.

Fifth. To remove nuisances, and to regulate and license cartmen, porters, hacks, cabs and omnibuses, and to regulate their rates of compensation and charges, and prevent runners from soliciting travelers. Nuisances.

Sixth. To regulate the licensing of all public shows in said village, and to prescribe the sums to be paid into the treasury therefor. Shows.

Seventh. To grade the streets and alleys, and pave them, and cause sidewalks to be made, and the expense thereof to be assessed on the land or lots in front of which either or all of said improvements shall be made; but no one of said improvements shall be made unless ten or more freeholders, residents of said village, shall petition the council for that purpose. Grading streets.

Eighth. To keep the public highways and bridges over creeks, crossings and water-courses within the corporation limits, in repair, and prescribe rules and regulations for the removal of snow from sidewalks. Highways.

Ninth. To cause the streets, alleys, sidewalks and public highways, and every part thereof, to be kept free from obstruction. Obstructions on streets.

Tenth. To lay out new streets and alleys, and to extend such as are already laid out: *Provided,* That the lands of any individual shall not be taken for such purpose until said individual shall be paid the value thereof, and of all buildings upon said land, and all damage he will sustain, to be ascertained as hereinafter mentioned. Laying out streets.

Levying
taxes.

Eleventh. To lay taxes on all personal and real estate within the limits of said village, excepting property belonging to the village, town, county, or State, excepting also, places of public worship belonging to any church or congregation, and all school-houses.

Fines and
penalties.

Twelfth. For the violation of any of which by-laws, rules and regulations, such reasonable fines and penalties may be imposed by the law itself, as the said village council deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Clinton, and any interests the inhabitants of the village of Mt. Clemens, as a body corporate, may have in the fine and penalty to be recovered, shall not disqualify any inhabitants of said village to try such cause or serve as jurors, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-law, and all such sum or sums of money as may be received into the village treasury for licenses, or collected for fines or penalties, may be appropriated by the council as they may deem for the best interests of the village.

Assessment
roll.

Sec. 11. It shall be the duty of the council, once in each and every year, and immediately after the assessors have assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down as the polls and value of the real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon; and they shall cause the assessment roll, or a copy of it, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said president, recorder and trustees, or a majority of them, directed to, and requiring him to collect from the several persons named in said roll the several sums mentioned therein set opposite to their respective names as a tax or assessment, and authorize him, in case any of them shall refuse or neglect to

Copy of, to
be delivered
to marshal.

pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money when collected to the treasurer of said village, by a certain day to be therein named, not less than forty days from the date of said warrant: *Provided*, That the village council shall not, in any one year, raise by tax a sum exceeding five mills on a dollar of the assessed valuation of the real and personal property in the said village, unless the electors thereof shall, in legal meeting assembled, authorize a larger sum to be raised: *And provided further*, That the council shall not create a debt against the corporation greater in any one year than the amount of tax they are authorized to raise for such year: *And provided further*, Said council shall be and are hereby authorized to call special meetings of the electors of the village, for the purpose of taking a vote of such electors as to raising a larger sum than the council can by this act raise.

Sec. 20. The village council shall have power to levy and cause to be collected in each and every year, a poll tax, not exceeding one dollar, upon every male inhabitant of said village of the age of twenty-one years and upward, and not exceeding the age of fifty years, except paupers, idiots, lunatics, and others excepted by the laws of this State; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Sec. 21. This act shall take effect immediately.

Approved March 30, 1869.

[No. 378.]

AN ACT to change the name of the Agawam Mining Company.

SECTION 1. *The People of the State of Michigan enact*, That the name of the Agawam Mining Company, a corporation organized under the general mining laws of the State of Michigan, and doing business in the county of Houghton, in the

Upper Peninsula of said State, be and the same is hereby changed to the Huron Copper Mining Company.

Rights and
privileges of
new com-
pany.

Sec. 2. Said Huron Copper Mining Company shall, from and after the passage of this act, be subject to all of the liabilities and entitled to all the rights, privileges, real estate and franchises of the said Agawam Mining Company.

Sec. 3. This act shall take immediate effect.

Approved March 30, 1869.

[No. 379.]

AN ACT to legalize the action of the board of drain commissioners of Lenawee county, in laying out and establishing certain county drains in said county.

Action of
board legal-
ized.

SECTION 1. *The People of the State of Michigan enact*, That the action of the board of drain commissioners of Lanawee county, in laying out and establishing certain drains or ditches, known as drains numbers five, seven, ten, eleven, thirteen, seventeen, nineteen, twenty-five, twenty-seven, twenty-eight, thirty, thirty-five, thirty-six, thirty-eight, forty-six, fifty-four, fifty-eight, sixty-three, seventy and seventy-two, situated in the county of Lenawee, be and it is hereby declared to be legal and valid, and said drains are also declared to be legally established, the same as though all the precise forms of law had been complied with, relative to the laying out and establishing county drains.

Sec. 2. This act shall take effect immediately.

Approved March 30, 1869.

[No. 380.]

AN ACT to authorize the township of Watervliet to refund certain moneys advanced by George Parsons in paying bounties, and to levy a tax therefor.

Bounty
money de-
clared to be
a debt.

SECTION 1. *The People of the State of Michigan enact*, That the amount of three hundred and nine een dollars, and the interest thereon from the first day of January, eighteen hun-

dred and sixty-five, at ten per cent. per annum, paid by George Parsons, for the purpose of paying bounties to volunteers to aid in the suppression of the late rebellion, shall be and is hereby constituted a debt against the said township of Watervliet.

Sec. 2. It shall be the duty of the supervisor of the town- Amount of debt to be raised by taxes.
ship to raise by tax on the taxable property of the township of Watervliet, in the county of Berrien, and State of Michigan, in the year eighteen hundred and sixty-nine, the sum of three hundred and nineteen dollars, and interest on said sum from January first, eighteen hundred and sixty-five, at ten per cent. per annum; said amount to be levied, assessed and collected as other township taxes, and to be paid to the holder of the indebtedness specified in the first section of this act on the order of the township board: *Provided*, That no money shall be levied and assessed as herein provided, unless authorized by a vote of the electors of said township, at the annual meeting, or any special township meeting held therein for that purpose. *Proviso.*

Sec. 3. This act shall take immediate effect.

Approved March 30, 1869.

[No. 381.]

AN ACT to authorize the township of Cambridge, Lenawee county, to raise by tax, certain moneys for the relief of Andrew Ayers, late treasurer of said town.

SECTION 1. *The People of the State of Michigan enact*, That Township board authorized to levy tax.
the township board of the township of Cambridge, Lenawee county, Michigan, are hereby authorized to levy a tax of not more than seven hundred and seventy 86-100 dollars, upon the taxable property of said township, for the year one thousand eight hundred and sixty-nine. Said amount of moneys to be paid to Andrew Ayers, late treasurer of said township, for moneys assessed upon the assessment roll as a part of a bounty tax for the year A. D. 1867, and not collected by said treasurer:

Provided. That the electors of said township of Cambridge, Lenawee county, shall, at the annual township meeting to be held in said town of Cambridge for the year A. D. 1869, by a majority vote of said electors, present and voting, vote to raise the said amount of seven hundred and seventy 86-100 dollars, then the township board of said township shall be and are hereby authorized to assess and collect the same upon the taxable property of said township, in like manner as other taxes for township purposes for the year A. D. 1869: *Provided further*, That the vote for or against such tax shall be by ballot.

[Sec. 2. This act shall take immediate effect.]

Approved March 30, 1869.

Ibid.

[No. 382.]

AN ACT to amend sections eight, thirty-five, forty-nine, and fifty-eight of an act entitled "An act to revise the charter of the city of Flint," approved March twenty, one thousand eight hundred and sixty-seven, being act number three hundred and seventy-two, of the session laws of one thousand eight hundred and sixty-seven.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections eight, thirty-five, forty-nine, and fifty-eight of an act entitled "An act to revise the charter of the city of Flint," approved March twenty, one thousand eight hundred and sixty-seven, being act number three hundred and seventy-two, of the session laws of one thousand eight hundred and sixty-seven, be and the same are hereby amended so as to read as follows:

Common council to appoint marshal and other officers

Sec. 8. The common council shall have power to appoint an attorney and a marshal for the city, a city surveyor, a street commissioner for each ward, on the nomination of the aldermen of such ward, a chief engineer of the fire department, and such other officers, whose election is not herein provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They

shall also have power to remove the treasurer for any violation ^{When may remove treasurer.} of the ordinances of the common council; and in case of a vacancy in any city or ward office, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year; and all officers so appointed, shall be notified and qualified as herein directed: *Provided,* ^{Proviso.} That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act: *And provided further,* That no member of the common council shall be appointed to any office except in the fire department.

Sec. 35. Whenever the common council shall determine that the whole or any part of the expenses of any public improvement shall be defrayed by an assessment against the owners or occupants of houses or lands to be specially benefited thereby, they shall ascertain as they may think proper, the estimated or actual expense of such improvement made, or to be made, and shall declare, by resolution to be entered in their records, whether the whole or what portion thereof shall be assessed against such owners or occupants, specifying the sum to be so assessed, and the portion of the city which they deem will be specially benefited by such improvement; and the costs and expenses of making the plans, estimates and assessments incidental thereto, shall be included in the estimated expenses of such improvement. ^{Council authorized to levy assessments for public improvements}

Sec. 49. The common council shall have power to assess and ^{Poll tax.} collect from each male inhabitant of said city, over the age of twenty-one years, (except paupers, idiots and lunatics,) an annual capitation or poll tax, not exceeding seventy-five cents, and they may provide by their by-laws or by ordinances, for the collection of the same by the marshal of said city; and the money raised by such poll tax shall be expended in the respective wards in which the persons so taxed shall respectively reside, as the highway taxes of such wards are expended.

Sec. 58. The officers of said city shall be entitled to receive, ^{Compensation of officers.} in addition to the fees and perquisites allowed by law, such

Provided, That justices of the peace, supervisors and constables shall be allowed the same fees as are allowed by law to corresponding township officers: *And provided further,* That the mayor and aldermen shall receive no pay for services as such officers, nor for services while acting on committees.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 383.]

AN ACT to legalize the action of the board of supervisors of Ingham county, in discontinuing a certain piece of State road.

Action of
board legal-
ized.

SECTION 1. *The People of the State of Michigan enact,* That the action of the board of supervisors of the county of Ingham in discontinuing that portion of the Lansing, Eaton Rapids and Marshall State road, running diagonally across the east half of the north-east quarter of section thirty-two, in the township of Lansing, be and the same is hereby legalized.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 384.]

AN ACT to legalize the action of the school inspectors of the township of Marathon, in Lapeer county, in organizing school district number six, in said township of Marathon.

Action of
school in-
spectors le-
galized.

SECTION 1. *The People of the State of Michigan enact,* That the acts of the school inspectors of the township of Marathon, in organizing school district number six, in said township, be and the same are hereby declared as legal as if the same had been done by, and with the concurrent action of the school

inspectors of the township of Oregon, and that all taxes levied in said school district are hereby declared as legal as if the said inspectors of Oregon had concurred in the organization of the same.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 385.]

AN ACT to organize the county of Benzie.

SECTION 1. *The People of the State of Michigan enact, That* ^{County organized} the county of Benzie, consisting of the territory embraced by the present county of Benzie, be and the same is hereby organized into a separate county, by the name of Benzie; and the inhabitants thereof shall be entitled to all the privileges, powers and immunities to which, by law, the inhabitants of other organized counties in this State are entitled.

Sec. 2. At the township meeting to be held in the several ^{Election of officers} townships in said county on the first Monday in April next, there shall be an election of all the county officers to which, by law, the said county may be entitled, whose term of office shall expire on the first day of January, A. D. eighteen hundred and seventy-one, and when their successors shall have been elected and qualified.

Sec. 3. The county canvassers, under the provisions of this ^{Board of canvassers} act, shall meet on the second Tuesday succeeding the day of election, as herein appointed, in the village of Benzonia, in said county, at the house of John Bailey, or at such other place as may be agreed upon and provided by said board, and organize by appointing one of their number chairman and another secretary, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in other cases of the election of county officers, as prescribed by the general law.

Location of
county seat.

Sec. 4. The location of the county seat of said county shall be determined by the vote of the electors of said county at a special election, which is hereby appointed to be held by the several townships of said county, on the first Monday in July next. There shall be written on the ballots then polled by the qualified electors of said county, one of the following names of places, to wit: Frankfort, Benzonia, and the south-east quarter of the north-east quarter of section twenty-eight, township twenty-six north, of range fourteen west, and that one which shall receive a majority of all the votes cast at such election, shall be the county seat of the county of Benzie: *Provided*, That in case no one of said places shall, at said election, be designated such county seat in the manner aforesaid, another election shall be held on the first Monday of October next, in the same places, at which the said electors shall designate, by majority vote, one of the two above named places which shall have received the highest number of votes at said July election, to be the county seat of said county of Benzie.

Proviso.

Board of
township
inspectors;
duties of.

Sec. 5. It shall be the duty of the several boards of township inspectors, in each of the townships of the said county, to conduct the elections authorized by the provisions of this act, and to make returns thereof in accordance with the general provisions of law for conducting elections in this State, so far as the same may be applicable thereto.

When canvassers shall meet.

Sec. 6. The board of county canvassers for the special election for locating the county seat, shall consist of the persons appointed on the day of such special election, by the several boards of township inspectors; and said board of county canvassers shall meet on the second Tuesday succeeding the day of said special election, at the house of John Bailey, in the village of Benzonia, and having appointed one of their number chairman, and the county clerk of said county acting as secretary, shall proceed to canvass the votes, and determine the location of the county seat, in accordance therewith; and it shall be the duty of the clerk of said board to file a copy of the determination of said board as to the location of the county seat, signed and

Clerk to file
determinat'n
of board.

certified by him, and countersigned by the chairman, with the Secretary of State, and with the township clerks of the several townships in said county.

Sec. 7. The Secretary of State is hereby directed to furnish the township clerk of the township of Benzonia with a certified copy of this act; and it shall be the duty of said clerk to give the same notice of the elections to be held under the provisions of this act, that is required by law to be given by the sheriff of organized counties. Secretary of State to furnish certified copy of act.

Sec. 8. The said county of Benzie, when so organized, shall be attached to the thirteenth judicial circuit, and the judge of said circuit shall hold two courts therein in each year. County; to what circuit attached.

Sec. 9. This act shall take immediate effect.

Approved March 30, 1869.

[No. 386.]

AN ACT to organize the county of Wexford, and the townships of Hanover, Wexford, Colfax, and Springville, therein.

SECTION 1. *The People of the State of Michigan enact, That* the county of Wexford, consisting of the territory embraced by the present county of Wexford, be and the same is hereby organized into a separate county, by the name of Wexford; and the inhabitants thereof shall be entitled to all the privileges, powers and immunities to which, by law, the inhabitants of other organized counties in this State are entitled. County organized.

Sec. 2. The unorganized county of Missaukee shall be attached to the county of Wexford, for municipal and judicial purposes. County attached.

Sec. 3. All that part of the said county of Wexford described as follows, to wit: Township twenty-four north, of ranges nine, ten and eleven west, shall be organized into a township by the name of Hanover; and the first township meeting thereof shall be held at the house of Lewis C. Dunham, on the first Monday Township of Hanover. First election.

Board of inspectors. in April next, and Robert Henderson, Lewis C. Dunham, and John H. Wheeler shall be the inspectors of the election.

Township of Wexford. Sec. 4. All that part of the said county of Wexford described as follows, to wit: Township twenty-four north, of range twelve west, shall be organized into a township by the name of Wexford; and the first township meeting thereof shall be held at the

First election.

Board of inspectors. house of William Masters, on the first Monday of April next, and Isaac U. Davis, Isaac N. Carpenter, and Lewis Cornell shall be inspectors of the election.

Township of Springville. Sec. 5. All that part of the said county of Wexford described as follows, to wit: Townships twenty-one, twenty-two and

First election.

Inspectors of election. twenty-three north, of ranges eleven and twelve west, shall be organized into a township by the name of Springville; and the first township meeting thereof shall be held at the store of L. G. Clark, on the first Monday of April next, and Aaron C. Baker, Daniel Jewett, and H. C. Duning shall be inspectors of the election.

Township of Colfax. Sec. 6. All that part of the said county of Wexford described as follows, to wit: Townships twenty-one, twenty-two and

First election.

Inspectors of election. twenty-three north, of ranges nine and ten west, shall be organized into a township by the name of Colfax; and the first township meeting thereof shall be held at the house of Lucas W. Gates, on the first Monday of April next, and William Goff, Lucas W. Gates, and Nathan Dayhuff shall be inspectors of the election.

Township of Colfax enlarged.

Sec. 7. The dimensions of the township of Colfax, in said county, shall be enlarged by adding thereto the following described territory, to wit: Townships twenty-one, twenty-two and twenty-three north, of ranges five, six, seven and eight west, being a part of the unorganized county of Missaukee.

Township of Hanover enlarged.

Sec. 8. The dimensions of the township of Hanover, in said county, shall be enlarged by adding thereto the following described territory, to wit: Township twenty-four north, of ranges five, six, seven and eight west, being a part of the unorganized county of Missaukee.

Sec. 9. The county seat of said county shall be and is hereby Location of county seat. located in township twenty-four north, of range twelve west, at or near what is called Manistee Bridge; and Henry J. Devoe, Isaac U. Davis, and E. C. Dayhuff are hereby appointed commissioners to locate the same. If said commissioners, or any two of them, shall fail to locate said county seat within one year from June next, then the board of supervisors and county clerk of said county shall locate the same.

Sec. 10. At the township meeting of the several townships in Election of county officers. said county, to be held on the first Monday of April next, there shall be an election of all the county officers to which the said county is entitled, whose term of office shall expire on the first day of January, A. D. 1871, and when their successors shall have been elected and qualified. Said election shall be conducted in the same way, by the same officers, and the returns thereof made in the same manner, as near as may be, as is now required by law in the elections of county officers in this State.

Sec. 11. The county canvass of the votes cast for county officers shall be held on the second Tuesday succeeding the election, at the house of George W. Bryant, at Manistee Bridge. Canvass of votes; how shall be made. And said canvass shall be conducted in the same way, and by the same officers, as the requirements of law now provide in organizing counties, as nearly as may be, by the appointment by the board of canvassers, of one of their own number to act as secretary to said board of county canvassers.

Sec. 12. Said county shall be in the thirteenth judicial circuit, and shall be entitled to two courts therein in each year. County to be in thirteenth circuit.

Sec. 13. It shall be the duty of the register of deeds for Duty of county register. said county of Wexford, when elected, to procure, maintain and keep in his office, two sets of books, for the record of deeds, mortgages, and other instruments affecting the title of real estate in said counties of Wexford and Missaukee; the one to be denominated "Records for Wexford county," and the other to be denominated "Records for Missaukee county;" and shall register and record in the book designated "records for Wexford county," all deeds, mortgages, conveyances, or

other instruments affecting real estate, which shall be situated in Wexford county, as the same are now required to be recorded by law; and all deeds, mortgages, conveyances, or other instruments affecting real estate situated in Missaukee county shall be recorded in the books designated as "records for Missaukee county," with the same effect and to the same purpose as the same are now authorized to be recorded by law.

Sec. 14. This act shall take immediate effect.

Approved March 30, 1869.

[No. 387.]

AN ACT to authorize the Kalamazoo and Grand Rapids Plank Road Company to vacate certain parts of said road.

Company
authorized
to take up
track.

SECTION 1. *The People of the State of Michigan enact, That the Kalamazoo and Grand Rapids Plank Road Company are hereby authorized and empowered to take up the track of the said road, from the village of Kalamazoo to the south bank of the Kalamazoo river, in the village of Plainwell, in the county of Allegan, and also so much of said road as lies north of Kelloggsville, in the county Kent.*

To repair
road not
vacated.

Sec. 2. The said company is hereby further authorized to remove the plank from those parts of said road-bed, hereby vacated, to repair that part of said road not vacated, and that the said company or their assigns have till the first day of June next, to remove the plank aforesaid. But said company shall not remove said plank from any bridge or culvert on the part so vacated; and said company shall not be entitled to collect tolls for travel on, or any use of any portion of the part so vacated after such plank road company shall have decided to so vacate such portion of their road.

Plank not to
be removed
from bridges

Commis'rs
of highways
to give con-
sent for all
removals of
road.

Sec. 3. This act shall not be construed to authorize the said company or their assigns, to vacate any portion of said road, nor to remove the plank from any portion thereof, with-

out having previously obtained the consent, in writing, of the commissioners of highways of the respective townships in which such portions of the road lies; and after such vacation or removal of the plank, according to the foregoing provisions, said road shall be deemed a public highway, and be altered, vacated or repaired by the commissioners of highways of the respective townships in which such road lies, in all respects the same as other public highways.

Sec. 4. This act shall take immediate effect.

Approved April 2, 1869.

[No. 388.]

AN ACT to amend act number two hundred and forty-four, of the session laws of eighteen hundred and sixty-five, approved March eighteenth, eighteen hundred and sixty-five, entitled "An act to amend an act entitled an act to incorporate the village of Mackinac," approved March twenty-fifth, eighteen hundred and forty-eight, and numbered one hundred and eight, and to add certain sections thereto, by adding two new sections thereto, to stand as sections thirty-three and thirty-four.

SECTION 1. *The People of the State of Michigan enact, That* Act amended
act number two hundred and forty-four, of the session laws of eighteen hundred and sixty-five, approved March eighteenth, eighteen hundred and sixty-five, entitled "An act to amend an act entitled an act to incorporate the village of Mackinac," approved March twenty-fifth, eighteen hundred and forty-eight, and numbered one hundred and eight, and to add certain sections thereto, be amended by adding two new sections thereto, to stand as sections thirty-three and thirty-four, and to read as follows:

Sec. 33. The neglect to hold such annual election at the time hereinbefore named, shall not be deemed to work a dissolution of said corporation, but in such case it shall and may be law-
Failure to hold election not to dissolve corporation.
ful to hold such election at any time thereafter, pursuant to public notice, which may be given by five qualified electors of

Duty of
inspectors.

said village, by posting the same, containing a designation of the time and place of holding said election, in five of the most public places in said village, at least ten days before such election shall be held. The inspectors of election of the village shall, if present, act as inspectors of such election; but if they are not so present, the electors then present shall, by *viva voce* vote, elect three inspectors of election, who having been duly sworn to discharge such duties, shall have all the powers and perform all the duties of inspectors of elections, regularly held.

Trustees to
have charge
of public
grounds.

Sec. 34. The president and trustees, or a majority of them, shall have full power and authority to take charge of the public grounds or squares of said corporation or village, and to lease the same, after giving twenty days' public notice of the time and place of such leasing, to the highest responsible bidder, for a term of not more than five years, and to collect all rents on the same now due or that may hereafter become due.

Sec. 2. This act is ordered to take immediate effect.

Approved April 2, 1869.

[No. 389.]

AN ACT to authorize the trustees of the Methodist Episcopal Church of Dansville, Ingham county, to sell and convey certain real estate.

Real estate;
trustees au-
thorized to
sell.

SECTION 1. *The People of the State of Michigan enact, That* the trustees of the Methodist Episcopal church of Dansville, in the county of Ingham, be and they are hereby authorized and empowered to sell and convey, by good and sufficient warranty deed or deeds, all right, title and interest of said church, in and to the following described real estate, viz: Beginning at a point on the east line of the west half of the north-east quarter of section twenty-two, town two north, of range one east, eight rods south of north-east corner of south-west quarter of north-east quarter of said section; from thence running west twelve rods; thence north to north line of said south-

Description
of.

west quarter of north-east quarter of said section, eight rods; thence west on said north line twenty-two rods; thence south twelve and one-half rods; thence east thirty-four rods; and thence north to the place of beginning, four and one-half rods, containing two acres of land, clear of road: *Provided*, They Proviso. shall determine so to do by a majority vote of all the trustees elect of said church.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 390.]

AN ACT to organize the county of Charlevoix.

SECTION 1. *The People of the State of Michigan enact*, That Description of county. the county of Charlevoix, consisting of the following described territory, to wit: Townships thirty-two north, of ranges four, five, six, and seven west; townships thirty-three north, of ranges four, five, six, seven, eight and nine west; the south half of township thirty-four north, of ranges four, five and six west, and all of townships thirty-four north, of ranges seven and eight west, be and the same is hereby organized into a separate county, by the name of Charlevoix; and the inhabitants thereof shall be entitled to all the privileges, powers and immunities to which by law the inhabitants of other organized counties in this State are entitled.

Sec. 2. There shall be held an election in the several town- Election of officers. ships in said county, on the first Monday in May next, for the purpose of electing county officers, to which, by law, the said county may be entitled, whose term of office shall expire on the first day of January, A. D. one thousand eight hundred and seventy-one, and when their successors shall have been elected and qualified.

Sec. 3. The county canvassers, under the provisions of this Meeting of county canvassers. act, shall meet on the second Tuesday succeeding the day of said election, as herein appointed, in the township of Charle-

voir, in said county, at the house of John S. Dixon, or such other place as may be agreed upon and provided by said board, and organize by appointing one of their number chairman, and another secretary, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in other cases of the election of county officers, as prescribed by the general law.

County; how attached for judicial and municipal purposes.

Sec. 4. The said county of Charlevoix, when so organized, shall be attached to the representative district composed of the counties of Mason, Lake, Manistee, Grand Traverse, Leelanaw, Manitou, Antrim, Otsego, Crawford, Kalkaska, Missaukee, Wexford and Benzie, and of the thirty-first senatorial and fourth congressional districts.

Ibid.

Sec. 5. The said county of Charlevoix, when so organized, shall be attached to the thirteenth judicial circuit.

Secretary of State to furnish copy of act.

Sec. 6. The Secretary of State is hereby directed to furnish the township clerk of the township of Charlevoix with a certified copy of this act; and it shall be the duty of said clerk to give the same notice of the elections to be held under the provisions of this act that is required by law to be given by the sheriff of organized counties.

Duty of county register.

Sec. 7. The register of deeds of said county shall make, or cause to be made, a transcript of all records made in other counties which are necessary to be and appear upon the records of said county of Charlevoix; and the board of supervisors of said county shall, within one year after the first meeting of the board, make provisions for defraying the expense of the same.

County seat.

Sec. 8. The county seat of the county of Charlevoix shall be located by the board of supervisors of said county.

Property of other counties to be given up.

Sec. 9. All property, files and records belonging to the county of Emmet, which may remain in the county of Charlevoix at the time of its organization, shall be delivered over to the proper authorities of the county of Emmet.

Sec. 10. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

[Sec. 11. This act shall take immediate effect.]

Approved April 2, 1869.

[No. 391.]

AN ACT to amend section two of an act entitled "An act to incorporate the Detroit and Saline Plank Road Company," approved March 23, 1848.

SECTION 1. *The People of the State of Michigan enact, That* Act amended section two of an act entitled "An act to incorporate the Detroit and Saline Plank Road Company," approved March twenty-third, eighteen hundred and forty-eight, be amended as follows:

Sec. 2. Said company hereby created shall have power to lay Company authorized to lay out a road. out, establish, and construct a plank road and all necessary buildings, from the city of Detroit, in the county of Wayne, to the village of Saline, in the county of Washtenaw, by way of Ypsilanti, with the privilege of constructing a branch from the village of Wayne to the village of Schwarzburg, in the county of Wayne; also, from the village of Ypsilanti to Ann Arbor, in the county of Washtenaw: *Provided, That* all buildings and Proviso. toll-gates now located or established within the limits of the city of Detroit shall be removed outside the limits of said city at the expense of said city of Detroit, as soon as Michigan Avenue, in said city, shall be paved, from the city hall west, to the present location of the first gate on said road.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 392.]

AN ACT to amend act number four hundred and eighty-four, of the session laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven, entitled "An act to amend act number one hundred, of session laws of eighteen hundred and forty-eight, incorporating the Detroit and Saline Plank Road Company," by adding a new section thereto.

SECTION 1. *The People of the State of Michigan enact, That* Act amended act number four hundred and eighty-four, of the session laws of eighteen hundred and sixty-seven, approved March 27,

1867, entitled "An act to amend act number one hundred, of session laws of eighteen hundred and forty-eight, incorporating the Detroit and Saline Plank Road Company," by adding a new section, be amended so as to read as follows:

Tolls; am'ts
allowed to be
collected.

Sec. 8. Said company shall have power to demand and exact from all persons traveling on said road, the following tolls, namely: One cent per mile for every buggy, sled or sleigh drawn by one animal; one cent per mile for every sled or sleigh drawn by two animals; two cents per mile for every vehicle drawn by two animals, and carrying not to exceed six persons, including the person driving, or three thousand five hundred pounds, inclusive of the vehicle, and in each case one cent per mile for every additional animal led or driven; one cent per mile for every empty vehicle drawn by one animal; two cents per mile for every loaded vehicle drawn by one animal, carrying more than five hundred pounds, including the person driving, and in each case one cent per mile for every additional animal led or driven; three cents per mile for every vehicle drawn by two animals, and carrying more than six persons, including the driver, or more than three thousand and five hundred pounds, inclusive of the vehicle, and one-half a cent per mile for every additional five hundred pounds more than four thousand pounds, including the vehicle, except such vehicles of which the wheels have tires three or more inches wide, which shall not pay over three cents per mile, however loaded: *Provided*, That the provisions of this act shall not apply to vehicles loaded with cord or fire-wood, or farm produce, drawn by two animals, but on such vehicles tolls shall be charged and collected the same as provided in the original charter of said company.

Proviso.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 393.]

AN ACT to provide for holding the annual township meeting in the township of Muskegon, in the county of Muskegon, for the year eighteen hundred and seventy.

SECTION 1. *The People of the State of Michigan enact, That* ^{Township meeting.} the annual township meeting in the township of Muskegon, in the county of Muskegon, for the year eighteen hundred and seventy, be and the same is hereby authorized to be held at the house now occupied by Stephen K. Buck, in said township; and Stephen K. Buck, Philip Bussing, and Hubert Stien ^{Board of inspectors.} are hereby made and constituted a board of inspectors for said township meeting.

Sec. 2. If for any reason the township meeting shall not be ^{Proceedings when meeting is not held at appointed time} held in the township named in this act at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days' notice of the time and place of such meeting by posting notices thereof in four of the most public places in said township, which said notices the said board of inspectors for said township are hereby authorized and required to post.

Sec. 3. If, for any cause, all or either of the inspectors ^{Vacancy in office of inspector; how filled.} hereby appointed shall neglect or shall be unable to attend said board at the time specified, it shall be lawful for the electors of said township to choose from the electors present suitable persons to act as inspectors of said meeting.

Sec. 4. The persons named in section one in this act, are ^{Board of registration.} hereby made and constituted a board of registration in and for said township, and said board is hereby authorized to meet on the next Saturday previous to the day of holding said township meeting, at the place designated for holding the same, and make a registration of the electors of said township, after having first taken an oath faithfully to discharge said duty before any person authorized to administer oaths.

Sec. 5. The manner of conducting said registration and hold- ^{Meeting; manner of conducting.} ing said township meeting shall be the same as provided by the

law of this State, not inconsistent with the provisions of this act.

Approved April 2, 1869.

[No. 394.]

AN ACT to incorporate the village of Wayne.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That all that tract of country situate in the township of Nankin, county of Wayne, and State of Michigan, known and described as follows, viz: The south-east quarter of section twenty-nine, the south-west quarter of section twenty-eight, the north-west quarter of section thirty-three, and the north-east quarter of section thirty-two, of township number two south, of range number nine east, be and hereby is constituted a village corporate, to be hereafter known and designated as the village of Wayne.*

Officers and terms of office.

Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, and five trustees, to be elected by a plurality of votes, by ballot, of the inhabitants of said village having the qualification of electors under the constitution of this State, and who shall hold their office for the term of one year, and until their successors are elected and qualified. The first elec-

Time and place of holding election.

tion of the officers provided for in this act, shall be held at the Union Hotel, in said village, on the second Monday of April next, and on the third Monday of March, annually thereafter, at such place in said village as the common council shall designate for that purpose: *Provided, That the neglect to hold*

Proviso.

such election, at the time and place hereinbefore mentioned, shall not work a dissolution of this corporation; but in such case it shall and may be lawful to hold such election at any time and place in said village, thereafter, pursuant to public notice, which may be given by five qualified electors of said village, by posting the same, containing a designation of the

time and place thereof, in three of the most public places in said village, at least ten days before such election shall be held.

Sec. 3. At any time when the first election shall be held in the said village of Wayne, under this act, there shall be chosen by the qualified electors there present, *viva voce*, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the election, and certify the result thereof, and are hereby clothed with the same power and authority as is provided for in sections four and five of this act, so far as the same are applicable. At each and every election thereafter to be held in said village, under the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder shall be the clerk of said board.

Sec. 4. The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon, and continue open until four o'clock in the afternoon of said day, except in the discretion of the board they may declare a recess of one hour between twelve o'clock at noon and two o'clock in the afternoon; the name of each elector voting at each election shall be written in a poll list, to be kept at such election by a clerk of the board of inspectors thereof. After the close of the polls of such election, the board of inspectors thereof shall proceed without delay publicly to canvass the votes given, as is provided by general law for the canvass of votes at township meetings, as relates to comparison of poll list with number of ballots, drawing in case two or more persons receive the same number of votes for the same office, and in all other matters of canvass so far as the same shall be applicable. Upon the completion of such canvass, the board of inspectors present at such election, shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, which certificate shall give the whole

Judges and
clerk of
election.

Duty of.

Polls; when
opened and
closed.

Canvass of
votes.

Certificate of
election.

number of votes cast for such officer, for whom they were given, and the name of the person declared elected to each, either by lot or plurality of votes.

Recorder to
give notice
of elections.

Sec. 5. It shall be the duty of the recorder of said village to give ten days' public notice in writing in three public places in said village, of the time and place of holding all elections, both annual and special in said village; and no person shall be permitted to vote at any such election, unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for thirty days next immediately preceding the day of such election; the recorder of said village shall, within five days after the closing of the polls of any election, notify the persons elected thereat, respectively, of their election; and each person so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause such oath to be filed with the recorder of said village within ten days from the date of his election.

To notify
persons of
their elect'n.

Board to
determine
qualificat'ns
of electors.

Sec. 6. If the qualifications of any person offering to vote at any such election shall be questioned, the same shall be determined by the board of inspectors thereof, upon an examination of such person on his oath, which any member of said board is hereby authorized to administer.

Body cor-
porate and
politic.

Sec. 7. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, with all the powers of township boards, and with all the powers given by the general law, for the incorporation of villages of this State, to the boards of trustees or common councils of villages, in addition to all special powers of this act, to be known and distinguished by the name and title of "the common council of the village of Wayne," and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answer-

ing and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever; of enforcing all the special powers of this act, and of the general act aforesaid for the incorporation of villages by boards of supervisors; and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying, and disposing of any real or personal estate, for the use and benefit of said corporation.

Sec. 8. The common council shall have power to appoint a marshal, street commissioner, and such other officers necessary for said village, whose elections are not herein provided for; to require of them such bonds, for the faithful performance of their duties, as they may deem necessary, and to dismiss them at pleasure; the officers so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

Council to
appoint marshal and
other officers

Oaths of
officers.

Sec. 9. It shall be the duty of the president to preside at all meetings of the village council; but in case of his absence, the common council may appoint one of their number as president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings, and his compensation for such service shall be fifty cents for each meeting of said common council, and the same shall be in lieu of all other salary.

Duty of
president
and recorder

Sec. 10. It shall be the duty of the treasurer to act as collector of the village; to safely keep all moneys coming into his hands belonging to the corporation, and to pay the same, on the order of the recorder, countersigned by the president, and at the expiration of his term of office, to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor; and his compensation for all services by him rendered shall be determined by the common council of said village.

Treasurer
to keep all
moneys.

Compensation

Marshal to
be police
constable.

To enter
disorderly
houses.

To arrest
felons.

Compensat'n
of.

Treasurer
and marshal
to give bond.

Common
council; who
to constitute

Vacancies;
how filled.

Sec. 11. The marshal shall be a police constable, and shall serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and shall be provided with the same privileges as are provided for constables in the discharge of their duties by the laws of this State; shall have the general supervision of the village, and see that the laws are enforced; shall have power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon, or any person or persons who have committed a breach of the peace are being secreted or harbored, or where any felony or breach of the peace is being committed, to arrest such offenders, disorderly persons or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Nankin, who shall hear and determine the matter, upon proof, as required by law; to compel the citizens to aid in extinguishing fires, and to appoint deputies with powers similar to his own; and for the performance of the duties of this act, he shall receive such compensation therefor as the common council may allow.

Sec. 12. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such bond or security for the faithful discharge of the trusts reposed in them as the common council shall direct and require.

Sec. 13. The president, recorder and trustees, when qualified and assembled together, shall constitute the common council of the village of Wayne, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place as they may from time to time appoint.

Sec. 14. In case of the death, resignation or removal of the president, recorder, any of the trustees or treasurer, such death, resignation or removal, shall be announced by the president or recorder to the members of the common council, who shall

convene as soon as may be, and appoint from the authorized electors of said village, some person to fill the vacancy so created, except that by reason of such vacancies there be not left a quorum of the common council, in which case the remaining members of the common council shall call a special election, as is provided in section five, to fill such vacancies, setting forth in the notice of said election the offices vacant.

Sec. 15. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, Inhabitants to be subject to township laws. except as far as relates to laying out, altering, vacating and constructing streets and highways, and the labor to be performed thereon within the limits of said village of Wayne; and the said common council are hereby vested with full power Power of council to assess labor. and authority to assess and levy such an amount of labor upon the real and personal property of said village, as they may deem necessary to be performed upon the streets and highways in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways; and the said common council is hereby vested with full power to discontinue, lay out and establish all highways, lanes, alleys, sidewalks, and water-courses in said village; whenever Proceedings when private lands are taken for public use. the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains, sewers, or other improvements within the limits of said village, the common council shall give notice thereof to the owner, Notice to owner. owners or parties interested, or his, her or their agent or representative, by personal service, or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of said common council; and the said common council are hereby authorized to contract for and purchase such lands of said owner, for the purposes aforesaid; and in case such owner or owners refuse to sell or convey Summoning of jury. such lands or premises for the purposes aforesaid, or the parties fail to agree upon the price of said lands, it shall and may be lawful for said common council to direct the recorder of said village to issue a *venire facias*, to command the marshal

Jury to
award
damages.

Compensat'n
tendered to
owner.

Proviso.

of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders of said county, to appear before a justice of the peace in said village, or the justice residing nearest thereto, within the county of Wayne, at a time to be therein stated, to inquire into the just compensation to be made therefor to the owner or owners or parties interested in such land or premises, which jury, being duly sworn by such justice, faithfully and impartially to inquire into, ascertain and determine the just compensation to be made therefor, and after having viewed the premises, if necessary, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands or premises, according to their respective estates or interests therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane, alley, drain, sewer, or other improvement shall be made, opened, established, or altered, to the claimant or claimants thereof; it shall therefrom be lawful for the common council to cause the said lands and premises to be occupied and used for the purpose aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Wayne, and upon giving notice of his, or her or their intention so to do, to said justice, in writing, within five days, or in case such party does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon, as aforesaid, such appellant first giving bond, with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal: *Provided*, That if the final judg-

ment of said court shall not exceed the damages assessed before said justice, at least ten dollars, the party appealing shall pay the cost occasioned by such appeal.

Sec. 16. The common council may levy and collect a poll Poll tax. tax, not exceeding one day's labor, upon each person liable therefor by the laws of this State, and may levy and collect a highway tax upon the real and personal property of said village, not exceeding one day for each three hundred dollars' valuation; and may provide for commutation of poll and highway tax, at any sum not exceeding one dollar for each day's labor assessed, or in their option, may assess, levy and collect said poll and highway tax in money, at a sum not exceeding one dollar for each poll tax or each three hundred dollars assessed, and may make an ordinance providing for the return of such taxes assessed and unpaid on real estate, occupied or unoccupied, and that such tax shall be a lien on such real estate, and Tax to be a lien on real estate. cause the same to be sold in the same manner as is hereafter provided by this act for the return of other taxes, and sale of lands for the same.

Sec. 17. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers Council may pass laws relative to— and fees of the marshal, street commissioner, and other officers; relative to the time and manner of working upon the streets, Highway and other taxes. lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make Nuisances. by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine of all persons occasioning the same; to Sewers. construct sewers and reservoirs; to regulate the construction of private drains; to license all showmen; to suppress all games Showmen. of chance and hazard; to compel the owners of buildings to procure and keep in readiness such number of fire-buckets and ladders as they may deem necessary; to compel the owners or Stovepipes. occupants of buildings to secure, in such manner as the common council may deem safe, all stove-pipes, stove-thimbles,

chimneys, or other fire liabilities; relative to calling meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to keeping nitroglycerine, or any other explosive substance; to the use of fire-crackers or fire-balls, or fire-arms within the corporation of said village; relative to restraining swine, horses, cattle, geese, and other animals from running at large in the streets, lanes, alleys, and other public places in said village; to regulate and establish one or more pounds for the confinement of such animals as are found at large in said village; to establish fees, fines, and penalties to be collected or enforced in the execution or for the violation of by-laws and ordinances.

Gunpowder.
Cattle.
Pounds.
Fines and penalties.
Grading streets, etc.
Sidewalks.
Levy cost of on land.

Sec. 18. The common council of said village shall have full power to make all necessary rules and regulations relative to the grading of any of the streets of said village, and levying a tax for the same; to order the building of any sidewalks, and to determine the width and grade of the same, and the quality and style of the material used, allowing every land owner, or occupant of said village to construct his own front of said walk, if he shall do so in conformity with the style, in all respects, ordered by said common council, within sixty days from the date of said order, otherwise the common council may proceed to construct the same, levying the cost thereof upon the land adjoining the same, and the tax so levied shall be collected by distress and sale, or returned as unpaid, and the premises thus returned sold as is hereinafter provided for other taxes.

Billiard tables.
Disorderly houses.
Riots.
Vagrants.

Sec. 19. The common council shall have power to suppress all billiard tables, and to suppress all gaming tables kept for hire, gain or reward in said village; also, full power and authority to make all such by-laws and ordinances as they may deem necessary for preventing or suppressing all disorderly or bad houses; for securing said village and the inhabitants thereof against fires; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power and authority to make all such by-laws and

ordinances, as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof.

Sec. 20. The common council shall have power to suppress ^{Liquors.} the vending or giving away of liquors in any place within said village; to regulate the measuring of fire-wood and the weighing of hay; to appoint a sealer of weights and measures; to ^{Weights and measures.} prevent and punish immoderate driving in any of the streets of ^{Fast driving.} said village; to prevent the incumbering of the streets, sidewalks, alleys, or public grounds; to provide for ornamenting the public grounds; to regulate the setting out of shade and ^{Shade trees.} ornamental trees along the line of the streets and sidewalks of said village, or, in their option, to let jobs for the procuring, setting out and protecting the same; to compel the owners or ^{Obstructions on walks.} occupants of lots to clean sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, or any incumbrance, and to construct cross-walks, assessing the cost of the same on the property, in their judgment, immediately benefited; to regulate all grave-yards and places of burial for said village.

Sec. 21. The common council of said village shall have power ^{village cemetery.} to purchase lands for a village cemetery, and may borrow money for that purpose, or may issue the bonds of said village, as is hereinafter provided, to purchase said land, for a sum not exceeding two thousand dollars, which bonds shall bear no greater rate of interest than ten per cent. per annum, and shall become payable in any one year a sum not exceeding five hundred dollars, exclusive of interest. And said cemetery shall be ^{Selling lots in.} divided into lots by order of the common council of said village, which may be sold or deeded to parties for purposes of burial of the dead; the moneys arising from the sale of said lots shall be applied by the said common council, either to the extinguishment of the debt occasioned by said purchase, or be kept by said village as a cemetery fund, to be applied upon said cemetery as the common council may direct.

Sec. 22. For public improvements and building school-houses ^{Borrowing money.} in said village, the common council may, if thereto authorized by a vote of the tax-paying electors of said village, at either an

Issuing
bonds.

annual or special meeting of such electors, borrow, on the faith of the village, a sum not exceeding ten thousand dollars, for a term not exceeding ten years, at a rate of interest not exceeding ten per cent. per annum, payable annually, and for that purpose may issue bonds of the village, signed by the president and recorder, and countersigned by at least two of the trustees of said village, and in such forms and sums, not exceeding in the aggregate the sum of ten thousand dollars, as the said common council shall direct; and such bonds shall be disposed of under the direction of the common council of said village upon such terms as they shall deem advisable, but not for less than their par value, and the avails thereof shall be applied only for the purposes for which said fund was raised.

Council to
give notice
of meeting
for voting
bonds.

Sec. 23. Whenever the common council shall deem it proper to obtain a vote of the tax-paying electors of said village, authorizing the borrowing of money by issuing bonds as aforesaid, it shall be the duty of the common council, at least ten days before a meeting of the tax-paying electors of said village, to post, in three public places in said village, notices of the time and place and manner of obtaining the vote of said electors in regard to said loan, and also the objects and purposes for which said loan shall be authorized.

To create a
sinking fund

Sec. 24. Whenever, by the provisions of this act the common council shall be authorized to issue village bonds for the payment of any sum or sums of money, the said common council shall have thereupon the power to create a sinking fund for the payment of the interest as it falls due, and the extinguishment of the principal at the expiration of the time limited for the payment thereof, which fund shall be raised by a direct tax, which shall not in any one year exceed the sum of one thousand dollars, exclusive of interest, on the entire indebtedness of said village, which shall be levied and collected in the same manner as ordinary village taxes are levied and collected; which sums of money when collected shall be applied, as soon as may be, to pay said bonds and extinguish said indebtedness; but until so applied they may be invested in the stocks of this State,

How may
collect.

or in the stocks of the United States, or invested in such other securities as the common council shall approve.

Sec. 25. The corporation of the village of Wayne shall be allowed the use of the common jail of the county of Wayne, also the house of correction of said county, in the city of Detroit, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council. All persons committed to jail or said house of correction by any justice of the peace, for violation of any by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, or the keeper of said house of correction, who shall safely keep the person so committed, until lawfully discharged, as in other cases: *Provided*, It shall be competent for said common council to construct and establish a lock-up for said village, in which to temporarily confine all persons in the hands of the marshal, for offenses under this act, for a less time than ten days.

Corporation allowed use of county jail.

Sheriff to have charge of criminals.

Provide.

Sec. 26. Any justice of the peace of the township of Nankin is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offenses which shall be committed within the limits of said village against any of the by-laws, ordinances or regulations that shall be made, ordained or established by the said common council, in pursuance of the powers granted to them in this act, and to punish the offenders, as the by-laws, ordinances or regulations shall prescribe or direct: *Provided always*, That any person, on a charge of violating any of the by-laws, ordinances or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court for the county of Wayne.

Powers of justices.

Provide.

Sec. 27. The president and trustees shall not receive any pecuniary compensation for the performance of the duties assigned them by this act, except as is herein otherwise provided.

Compensation of officers.

Sec. 28. The common council shall, at the expiration of each year, cause a report to be made, containing a just and true statement, in writing, of all moneys received or expended by them, in their corporate capacity, during the preceding year,

Annual statement.

and shall make out in detail, a statement of all receipts and expenditures and the purposes for which the same were made, and such other information as shall be necessary to a full and perfect understanding of all the financial concerns of said village.

Citizens to
be competent
as jurors.

Sec. 29. In all processes and legal proceedings wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of said citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Proviso.

Suits; how
commenced.

Sec. 30. Whenever any action or suit shall be commenced against the corporation, process against such corporation shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be, forthwith, to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder, at least ten days before the return day thereof.

Proviso.

Power of
council to
collect taxes.

Sec. 31. The common council shall have full power and authority to levy and collect a capitation or poll tax, and a highway tax, as heretofore provided; also, all taxes for all and every improvement the common council are by this act authorized to make in the manner provided, or are by the general laws of this State, for the incorporation of villages, authorized to make; and also, all taxes on all real and personal property not by general law exempt within the limits of said village, necessary to defray the expenses thereof; and every assessment of taxes lawfully laid and imposed by the said common council on any lands, tenements, hereditaments or premises whatsoever in said village, shall be and remain a lien on such land, tenements and hereditaments, from the time of making such assessments, or imposing such tax, until paid; and the owner or parties in interest in said real estate shall be respectively liable, upon demand, to pay every such assessment or tax, to be made as aforesaid.

Taxes to re-
main a lien
on property.

Sec. 32. It shall be the duty of the supervisor of said town-^{Assessment}ship of Nankin, who is hereby constituted *ex officio* assessor of ^{roll.}said village, to take an assessment of said village, at the time and in the same manner he takes the assessment of said township, in all respects the same, and annex thereto the usual certificates, and file the same in the office of the recorder of said village, on or before the third Monday in May, in each year, for which service he may present an account for consideration and allowance to the common council of said village.

Sec. 33. It shall be the duty of the recorder of said village, ^{Recorder to}on or before the first Monday of October, of each year, to ^{make annual}render to the president a complete statement, in writing, of all ^{statement to}the local or general taxes authorized by the common council, ^{council.}for the current year, together with all the information necessary to the correct levy of the same.

Sec. 34. It shall be the duty of the president to spread upon ^{President to}the assessment roll all the general and local taxes authorized ^{complete roll}by the common council of said village for the current year, in ^{and deliver}accordance with the by-laws, regulations, or ordinances of said ^{to recorder.}common council, attached to the same, and sign the proper warrant for the collection of the taxes therein levied, and deliver the same to the treasurer of said village, at the time prescribed by law for the delivery of the township tax roll to the township treasurer, who shall proceed to collect the same in the time, manner, and with the same authority allowed by law to township treasurers for the collection of taxes; for ^{Compensat'n}spreading the tax as aforesaid, upon the assessment roll, the ^{of.}president shall be entitled to receive such compensation per day as the common council may allow, not to exceed two dollars per day for the time actually employed.

Sec. 35. Whenever any tax assessed upon personal property ^{Power of}under the provisions of this act shall be returned by the mar- ^{marshal to}shal for non-payment, it shall be lawful for the marshal of said ^{sue for tax.}village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by

law for the collection of debts, to enforce the payment of such tax; and in case any person liable to pay such tax upon personal property shall have removed out of the village, after the assessment, and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside. Whenever any real estate shall have been returned by the marshal for delinquent taxes, the treasurer of said village shall preserve a list of the same; and if any such taxes or assessments upon real estate returned for non-payment of taxes as provided in section fourteen of this act, and interest thereon, to be computed at the rate of twenty per cent. per annum until paid, shall remain unpaid for the period of one year from the date of the warrant to the marshal as aforesaid, the said treasurer shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least six weeks' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of said publication, recorded in the manner prescribed in section nine of this act, shall be deemed *prima facie* evidence of the fact of such publication. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within one year from the date of the sale

Proceedings
when person
has removed

Treasurer to
keep list of
lands sold.

To sell land
at public
auction.

Notice of
sale.

Proceedings
on day of
sale.

Certificate of
purchase.

thereof, there shall be paid to the treasurer for the use of the Conveyance. purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon at the rate of twenty per cent. per annum from the date of said certificate, the treasurer or his successor in office, shall at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the land sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: *Provided*, All proceedings connected with the rais- Proviso. ing and levying such tax, and the sale for the non-payment thereof, are according to law, and the said conveyance shall be *prima facie* evidence that the sale was regular, according to the provisions of this act; and every such conveyance, ex- When may be used as evidence. ecuted by the said treasurer under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded. The Fees of treasurer. treasurer of said village shall receive the same fees, in cases of sale, as aforesaid, as are allowed by law to county treasurers for like services; and the expenses for the advertising of any land for sale, in pursuance of this act, shall by the treasurer, be added to such taxes respectively, as are charged upon lands delinquent for State and county taxes.

Sec. 36. The common council shall have authority to estab- Fire department. lish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other instruments as shall be necessary to extinguish fires and preserve the property of the inhabitants of said village from conflagrations; to prevent the erection of buildings in an unsafe manner, and pass all necessary regulations relative to buildings deemed by them unsafe, as to risk by fire or otherwise.

Sec. 37. This act shall be favorably construed and received Public act. in all courts as a public act, and copies thereof, printed under authority of the Legislature, shall be received without further proof.

Who eligible
to office.

Sec. 38. No person shall be eligible to any office under this act, unless he shall have resided in said village six months next preceding his election, nor unless he shall be entitled to vote therein.

Sec. 39. This act shall take immediate effect.

Approved April 2, 1869.

[No. 395.]

AN ACT to amend an act entitled "An act to authorize the several townships in the counties of Livingston, Oakland, Washtenaw and Wayne, to pledge their credit, and the county of Livingston to raise by tax, or borrow money, to aid in the construction of a railroad from some point near the city of Detroit, to Howell, in the county of Livingston," approved February fifth, one thousand eight hundred and sixty-four, and amended by act of the Legislature, approved March twenty-first, one thousand eight hundred and sixty-five.

Act amended

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to authorize the several townships in the counties of Livingston, Oakland, Washtenaw and Wayne, to pledge their credit, and the county of Livingston to raise by tax or borrow money, to aid in the construction of a railroad from some point near the city of Detroit, to Howell, in the county of Livingston," approved February fifth, one thousand eight hundred and sixty-four, and amended by act of the Legislature, approved March twenty-first, one thousand eight hundred and sixty-five, be amended so as to include the city of Lansing, in the county of Ingham, by adding the following sections to said acts, to stand as sections seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen:

Voting of tax
authorized.

Sec. 7. It shall and may be lawful for the city of Lansing, in the county of Ingham, to aid in the construction of a railroad, from some point at or near the city of Detroit, to the city of Lansing, in the county of Ingham, to such amount not exceeding five per centum of the assessed valuation, for the time be-

ing, of the real and personal property in said city, as the tax-paying electors of said city shall, at a meeting or meetings called for that purpose, determine by a two-thirds vote of such electors present and voting: *Provided*, That such amount, exclusive of interest thereon, which shall become due or collectable in in any one year, shall not exceed one per centum of the assessed valuation of said city, at the time of issuing the same: *Provided further*, That such aid so voted shall be subject to any conditions which may be imposed by the electors voting as aforesaid.

Sec. 8. It shall be the duty of the mayor of said city to call such meeting or meetings of the electors of said city as are hereby authorized, whenever a request in writing to do so shall be made to him, by thirty tax-paying electors of said city, and to give public notice thereof, at least ten days previous to holding such meeting, by posting the same in not less than five of the most public places in said city, and the advertisement of the same in some newspaper published in the said city.

Sec. 9. At such meetings, the city or ward inspectors of election, if present, shall act as inspectors of election; the electors shall vote by ballot, (such ballot to contain the words, "For the Tax," or "Against the Tax," as the case may be,) and shall be subject to challenge, as at other city elections; and the proceedings at such meetings, to be held under the provisions of this act, shall be governed by the laws regulating the municipal elections of said city; and illegal and fraudulent voting shall be punishable in the same manner, and to the same extent, as at other city elections. A copy of the request, and also of the notice required by the provisions of this act, shall be entered at large upon the records of the city, together with a statement of the result, and other essential particulars, and a certified copy of such record shall be, in all courts and places, *prima facie* evidence of the facts therein set forth.

Sec. 10. If said city shall avail itself of the benefits of this act by voting aid to said railroad company, as provided for herein, said city shall, within sixty days after the question of aid is

determined by a two-thirds vote of the tax-paying electors of said city, as provided in this act, issue its coupon bonds for the amount so determined to be granted, which bonds shall be in sums of not less than one hundred dollars each, and not more than one thousand dollars each, and shall be payable at any time as determined upon by the electors of said city, not exceeding twenty years from the date thereof. Such bonds shall bear interest at a rate of not exceeding ten per cent. per annum, and shall have attached thereto the necessary and usual interest coupons, corresponding in dates and numbers with the bonds to which they are attached, which shall be signed by written signatures by the same person or persons executing such bonds. Such bonds shall be executed by the mayor and clerk or recorder of said city, under the seal of said city. The bonds and coupons attached thereto shall be payable at the office of the treasurer of the county of Ingham.

Rate of interest on.

Who to execute.

Bonds to be delivered to State Treasurer.

Sec. 11. Whenever any such bonds as provided by the provisions of this act shall have been issued as therein specified, the same shall be delivered by the person, persons or officers having charge of the same to the treasurer of this State, who shall give a receipt therefor, and hold the same as trustee for the municipality issuing the same, and for the railroad company for which they were issued, and to be disposed of by said treasurer in discharge of his trust as hereinafter provided.

Duty of State Treasurer.

Sec. 12. Upon receipt of any such bonds from said city, in aid of said railroad company, the Treasurer of this State shall immediately register or record the same in a book or books to be kept by him for that purpose, in his office, which record shall show the amount, date and number of each bond, the rate of interest which it bears, by what city issued, to the benefit of what railroad company the same are issued, and the time when payable, which record shall be always open for the inspection of any citizen of this State, or other interested person. Such bonds shall be safely kept by said Treasurer, for the benefit of the parties interested, and be disposed of by him in the following manner, that is to say: whenever said rail-

To keep bonds.

road company in aid of which such bonds may have been issued, shall present to said Treasurer a certificate from the Governor of this State that such railroad company has, in all respects, complied with the provisions of this act in relation to the completion of its road, and is thereby entitled to any of such bonds, the same, or such of said bonds as said company shall be entitled to receive, shall be delivered to said company. The treasurer shall endorse upon each of said bonds the date of such delivery and to whom the same were delivered, and the same shall draw interest only from the time when so delivered, and the treasurer shall notify the clerk of said city of the date of the delivery of its bonds to such railroad company. The railroad company so receiving such bonds shall pay the State Treasurer one-tenth of one per centum of the par value of all such bonds so delivered, which shall be received by him in full payment of all fees and charges for the custody, recording, endorsing and delivery of said bonds, which money shall be paid into the State treasury. And in case any bond so delivered to said Treasurer by said city shall not, within three years from the time when the same were received by him, be demanded in compliance with the terms of this act, the same shall be canceled by said treasurer and returned to the proper officers of said city.

When company may receive bonds.

Treasurer to endorse date on bonds.

Fees of State Treasurer for holding bonds.

When bonds shall be canceled.

Sec. 13. In case said city issuing bonds as heretofore provided in this act, shall fail to pay the bonds or the interest coupons, or to deposit with the treasurer of the county of Ingham, a sufficient sum of money to pay the bonds or the coupons which it may have issued as aforesaid, which may then be due, as by the terms of said bonds or coupons, the county treasurer of such county shall certify the same to the clerk of the board of supervisors of said county, stating the amount so due and unpaid by said city; whereupon the board of supervisors of such county shall proceed to assess, levy and collect the same from said city, with other county taxes, and in like manner, adding to the amount thereof interest at the rate specified in said bond, for one year, and the same shall be paid to the county treasurer.

Proceedings when city fails to pay bonds and interest.

Tax to be levied and paid to county treasurer.

by the treasurer of said city, and upon the receipt of such money, the county treasurer shall pay to the holders thereof, the principal or interest for which such money may have been collected, with the interest thereon, and cancel and return such bonds or coupons to the said city.

City to levy
tax each
year to pay
bonds.

Sec. 14. In case said city shall avail itself of the benefits of this act by the issue of bonds or other evidence of debt in the aid of said railroad company as by this act provided, said city shall each year, by its proper authorities, upon receiving the notice as herein provided from the State Treasurer of the delivery of its bonds to said railroad company, so long as such bonds or other evidence of debt remain unpaid, levy, assess and collect upon the taxable property of said city, a sufficient sum of money to pay all bonds or interest upon the same, as either the bonds or interest thereon shall become due; and the full faith and credit of said city so issuing any such bond or other evidence of debt, is hereby pledged for the full payment of both principal and interest thereon; and the same are made hereby a valid and legal charge upon the taxable property of said city.

When road
may demand
bonds.

Sec. 15. Said railroad company shall not be entitled to receive any of the bonds or other evidence of indebtedness issued as provided in this act, until said company shall have completed its road-bed and ironed its road with the usual T rail, from its intersection with the Jackson, Lansing and Saginaw Railroad, or with the Ionia and Lansing Railroad, or with the Peninsular Railroad, in the city of Lansing, to a point at or near the village of Williamston, in the county of Ingham: *Provided*, That such intersection with either of these above named railroads shall be at a point not to exceed forty rods north of Michigan avenue, in said city of Lansing.

Proviso.

[Sec. 2. This act shall take immediate effect.]

Approved April 2, 1869.

[No. 396.]

AN ACT to amend act number two hundred and thirty-nine, entitled "An act to organize Union School District number one, of the township of Spaulding, in the county of Saginaw, and to authorize said district to borrow money;" also, to add a new section thereto.

SECTION 1. *The People of the State of Michigan enact, That* Act amended
act number two hundred and thirty-nine, approved March eighteenth, A. D. one thousand eight hundred and sixty-five, entitled "An act to organize union school district number one, of the township of Spaulding, in the county of Saginaw, and to authorize said district to borrow money," be and the same is hereby amended, by adding one new section, to be known as section number six, and that section number six, of the present act, be and is hereby stricken out, and that section number one of said act be amended so as to read as follows:

Sec. 1. That all that territory lying north of Cass river, in School district constituted.
the township of Spaulding, in the county of Saginaw, is hereby constituted, for school purposes, as a single school district, by the name of union school district number one, of the township of Spaulding; and the voters of said district are authorized to District board; vet's to elect
elect a district board, and to continue the same in accordance with the provisions of an act entitled an act to establish graded and high schools, approved February fourteenth, one thousand eight hundred and fifty-nine, and acts amendatory thereof; and such district and such board shall possess all the powers Powers and duties of
and privileges, and perform all the duties conferred upon district boards by the acts aforesaid, or other laws of this State, and the additional powers conferred by this act.

Sec. 6. The school inspectors of the township of Spaulding Duties of school inspectors.
shall divide the territory of said township not included in union school district number one, of said township, into such number of school districts as may from time to time be necessary, which districts they shall number, and they may regulate and alter the boundaries of the same as circumstances shall render proper, according to the provisions of section number

Ibid. seventy-one, of chapter number seventy-eight, of the compiled laws of the State of Michigan; and it shall be the duty of said school inspectors to apportion to the several school districts in said township, the school tax placed upon the assessment roll of the township of Spaulding for the year eighteen hundred and sixty-eight, and also the primary school money payable to said township in the year one thousand eight hundred and sixty-nine.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 397.]

AN ACT to aid the Fenton Union Agricultural Society.

*Aid granted
to society.*

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for, and the treasurer of the county of Genesee is hereby directed to pay over to the treasurer of the Fenton Union Agricultural Society, of the township of Fenton, in said county of Genesee, for the benefit of the Fenton Union Agricultural Society, one-fifth of all money which may now be in, or hereafter come into the hands of the treasurer of said county of Genesee, from any tax levied or collected under and by virtue of the provisions of section one, of chapter fifty-four of the compiled laws, relating to county and town agricultural societies, being section sixteen hundred and sixty-seven of the compiled laws.

*How treasurer of
society shall
use funds.*

Sec. 2. The treasurer of the Fenton Union Agricultural Society shall use the money so received, for the payment of premiums, the diffusion of agricultural, manufacturing and mechanical knowledge.

Sec. 3. This act shall take immediate effect.

Approved April 2, 1869.

[No. 398.]

AN ACT to amend an act entitled "An act to authorize fractional school district number eight, of the townships of Antwerp and Porter, in the county of Van Buren, to organize a graded school, and to pledge the credit of said school district for the purpose of building a union school-house."

SECTION 1. *The People of the State of Michigan enact, That* Act amended section two, of act number two hundred and ten, of the session laws of eighteen hundred and sixty-seven, of an act entitled "An act to authorize fractional school district number eight, of the townships of Antwerp and Porter, in the county of Van Buren, to organize a graded school, and to pledge the credit of said school district for the purpose of building a union school-house," approved January twenty-first, eighteen hundred and sixty-seven, be so amended as to read as follows:

Sec. 2. That said school district when so organized, shall District allowed to borrow money. have the power and authority to borrow money to pay for a site or sites for school-houses, to erect buildings thereon and to furnish the same, that is conferred upon school districts organized under and pursuant to chapter seventy-eight, concerning primary schools, of the compiled laws, and the acts passed amendatory thereof, and no other: *Provided*, That said school Proviso. district shall, in exercising and using the powers and authority hereby conferred, conform and comply with, as far as practicable, the provisions of said chapter number seventy-eight of the compiled laws, and the acts amendatory thereof: *And provided* Ibid. *further*, That nothing herein shall be so construed as to invalidate any bonds or acts of said school district concerning the same, the said districts may have heretofore issued, but said bonds shall be deemed in all respects good and valid in law.

Sec. 3. This act shall take immediate effect.

Approved April 2, 1869.

[No. 399.]

AN ACT to provide for the construction of a State road from Isabella, in the county of Isabella, north to Tobacco river, thence north of east to intersect the Midland and Traverse Bay State road.

Commis'srs
appointed.

SECTION 1. *The People of the State of Michigan enact, That* Isaac A. Fancher be and is hereby appointed commissioner, with full power and authority to lay out, establish and improve a State road, commencing at the village of Isabella, in the county of Isabella, and running thence north on the most feasible route to the Tobacco river; thence north of east until it intersects the Midland and Traverse Bay State road.

To employ
surveyor.

Sec. 2. The said commissioner is authorized and empowered to employ a surveyor and such assistants as may be necessary, to locate, survey and establish the line of said road; and when such line shall have been established, a full description of the route and survey thereof shall be filed by such commissioner with the county clerk of the county of Isabella.

Non-resident
highway
taxes appro-
priated.

Sec. 3. The non-resident highway taxes levied upon the lands for the period of five years from the passage of this act, lying within three miles on either side of said road, shall be and the same are hereby appropriated for the improvement of said road, and the payment of the expenses necessarily incurred in laying out and establishing the same; and it shall be the duty of said commissioner to expend the same for the purpose aforesaid, from time to time, as it shall be collected, and to direct and determine the manner in which the same shall be done.

Treasurer to
pay taxes on
order of com-
missioner.

Sec. 4. It shall be the duty of the county treasurers of the counties of Isabella and Gladwin, and any overseer of highways, or the township treasurers within said counties, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes, assessed within the time aforesaid, on any of the lands hereinbefore mentioned, and to pay the same only upon the order of the said commissioner or his successors.

Sec. 5. It shall be the duty of said commissioner or his successors in office, to render to the board of supervisors of the counties of Isabella and Gladwin, at their annual sessions in each year, and at such other times as the boards may require, a full and true account of all moneys drawn by him, to be applied on said road, the amount drawn by such officer, and the manner in which the same has been applied. Commissioner to render account.

Sec. 6. The said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of this State, in the penal sum of two thousand dollars, with such sureties as the treasurer of Isabella county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act, which bond and oath shall be filed with the treasurer of Isabella county; and such commissioner shall receive for his official service as such, three dollars per day while so engaged, which shall be audited by the boards of supervisors of Isabella and Gladwin counties, and paid out of the fund created by this act. Oath and bond of.

Sec. 7. If the said commissioner shall neglect or refuse to perform any of the duties of his said office, or shall misapply any of the funds appropriated by this act, it shall be competent for the Governor forthwith to remove him from said office; and any vacancy in said office may be filled by the Governor. How may be removed.

Sec. 8. Said road shall be known as the Isabella and Tobacco River State road. Name of road.

Sec. 9. This act shall take immediate effect.

Approved April 2, 1869.

over their road, between the city of Port Huron and the village of Brockway, in St. Clair county, or so much thereof as they shall rebuild, maintain, and keep in repair, fifty per cent. in addition to the sums for tolls, now allowed to be charged and received by law.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 402.]

AN ACT to provide for laying out and establishing a State road, in the counties of Macomb and St. Clair.

Commis'rs
appointed.

SECTION 1. *The People of the State of Michigan enact, That* Cortez P. Hooker, of Macomb county, and George Steiger, of St. Clair county, be and they are hereby authorized and appointed commissioners to lay out and establish a State road, commencing at the most convenient place in or near to the south fractional part of fractional section thirteen, in the town of Chesterfield, in the county of Macomb, thence on the most eligible route, to or near to either to the north-east or north-west corner of section twenty-six, in the town of Casco, in St. Clair county, as said commissioners may think preferable, after examination of said localities.

Duties of

Sec. 2. It shall be the duty of said commissioners to lay out, locate and establish said road, and cause the same to be correctly surveyed; and so much of the survey and location of said road as may be embraced in any township, shall be filed in the town clerk's office in said township, which survey and location shall be entered on record by the clerk of said township, and such record shall be *prima facie* evidence of the existence of said road: *Provided*, If said commissioners shall lay out said road through any private property, that any objection is made to taking the same therefor, they shall assess the damages in accordance with the provisions of the general highway law.

Proviso.

Sec. 3. The State shall not be chargeable for laying out or establishing said road, or for any expense or damages what-
ever connected therewith; and this act shall be void as to any part of said road which shall not be laid out, surveyed and recorded within two years after the time when this act shall take effect.

Sec. 4. The commissioners appointed under this act, shall each receive for their services, two dollars per day, which, together with the cost of surveying and establishing said road, and the damages awarded, (if any there be,) shall be paid by the respective towns through which the road shall pass: *Provided*, That no township shall pay for any services rendered, damages awarded, or expenses incurred in any other township.

Sec. 5. It shall be the duty of the highway commissioners of the townships through which the road to be established by this act shall pass, to cause the same, within their respective townships, to be speedily opened, constructed, completed, and kept in good condition for public travel.

Sec. 6. To aid in the construction of said road, there shall be appropriated all such of the non-resident highway taxes for the year eighteen hundred and sixty-nine, and for five years thereafter, as may be assessed in the townships through which said road may pass, on all non-resident lands, of which the largest part lies within one mile of said road; and the highway commissioners are required to see that said appropriations are judiciously expended on that part of said road within their respective townships.

Sec. 7. That said commissioners, and their successors, may receive aid, subscriptions and donations for the benefit of said road, or any part thereof, and shall cause the same to be faithfully applied towards paying damages, expenses of locating, establishing, opening, completing the construction of said road or any part thereof, or keeping the same in good repair, according to the conditions and terms upon which said aid, subscriptions and donations are made or given; and it shall be the duty of the aforesaid highway commissioners to assist said first

named commissioners in faithfully expending such aid, subscriptions and donations, as may be given to be applied on said road in their respective townships.

Governor to
fill vacancies

Sec. 8. In case the commissioners first named in this act, or either of them, shall not accept of the appointment, or any vacancy shall occur from any cause, then it shall be lawful for the Governor of this State to fill such vacancy, by appointment:

Proviso.

And it is further provided, That the Governor shall remove said commissioners, or either of them, if he shall become satisfied that they are not properly discharging the duties required by this act.

Sec. 9. This act shall take immediate effect.

Approved April 2, 1869.

[No. 408.]

AN ACT to detach certain territory from the city of East Saginaw and annex the same to the village of South Saginaw, in the township of Spaulding, in the county of Saginaw, and to constitute it a part of union school district number one, of the township of Spaulding.

Territory
detached.

SECTION 1. *The People of the State of Michigan enact,* That all that part of the city of East Saginaw lying south and west of the following described boundary line, viz: Commencing at the intersection of the east line of the old territorial road with the south line of said city, thence northerly along said east line of said road, to a point opposite, and in a line with the north line of Mackinaw street, in the city of Saginaw, thence northwesterly in a line with the north line of Mackinaw street to the east side of the bayou on the east side of the Saginaw river, at low water mark, thence northerly down and along the said bayou at the line of low water mark on the east side thereof to the Saginaw river, and thence to the center of said river, be and the same is hereby set off and detached from the city of

East Saginaw, and that the territory so detached be and is hereby annexed to the township of Spaulding, in the county of Saginaw, and is hereby incorporated into and included in the village of South Saginaw, and that the said territory shall form a part of the township of Spaulding, and of the village of South Saginaw, for all purposes.

Sec. 2. The said territory so attached to the township of Spaulding shall be and is hereby included in and constituted a part of union school district number one, of the township of Spaulding. To what school district shall be attached.

Sec. 3. This act shall take immediate effect.

Approved April 2, 1869.

[No. 404.]

AN ACT to provide for the laying out and establishing a State road in the county of Alcona, and to appropriate certain non-resident highway taxes to aid in the construction of the same.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established a State road, in the county of Alcona, as follows: Commencing at the south-east corner of township number twenty-five north, of range number six east, and running to the north-west corner of township number twenty-six north, of range five east, by the most direct and eligible route. Description of road.

Sec. 2. All non-resident highway taxes assessed and unexpended for the year eighteen hundred and sixty-eight, and hereafter to be assessed for four years thereafter in township number twenty-five north, range six east, and township number twenty-six north, of range five east; also, the west half of township number twenty-six north, of range six east, and the east half of township number twenty-five north, of range five east, be and the same are hereby appropriated for laying out, constructing and improving the road hereinbefore mentioned. Non-resident taxes appropriated.

Commis'srs
appointed.

Sec. 3. For the purpose of laying out, constructing and improving said road, and expending the moneys appropriated in this act, John McCall, of the town of Sable, in the county of Iosco, is hereby appointed commissioner, whose duty it shall be to receive and expend all moneys appropriated by this act, for the laying out, constructing and improvement of said road.

Bond and
oath of.

Sec. 4. The said commissioner before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of the State of Michigan, in the penal sum of two thousand dollars, with such sureties as the treasurer of the county in which such road is located shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act, which oath and bond shall be filed with the treasurer of the county in which such road is located; he

Compensat'n
of.

shall receive for his services, while engaged in the discharge of his official duties as commissioner, three dollars per day, which shall be audited by the board of supervisors of the county hereinbefore mentioned, and paid out of the fund created by this act.

Duty of com-
missioner.

Sec. 5. It shall be the duty of said commissioner to file with the county treasurer of said county a full description of the route and survey of the road, as surveyed and established by him.

To file de-
scription of
route with
supervisor.

Sec. 6. It shall be the duty of said commissioner to make out and file with the supervisors of the several organized townships through which said road runs, or to which the above described townships shall be attached, a full description of the route and survey of the road, as surveyed and established by him, and the supervisors of the several organized townships are hereby authorized and required, that in making out their statement of taxes to the township treasurer, they shall state the amount of non-resident highway tax belonging to said road, as provided by this act.

Sec. 7. Any overseer of highways within any township through which such road may run, or any township treasurer thereof who may receive any portion of such non-resident highway tax for the period of four years from the first day of March, eighteen hundred and sixty-nine, shall pay the same over to the county treasurer of said county, to be held by him for the construction of said road. The overseer or township treasurer shall be entitled to receive a receipt from said county treasurer for all moneys paid over by them under this act, which shall be a sufficient voucher for them that they have properly paid over such non-resident highway tax.

Non-resident
taxes to be
paid to coun-
ty treasurer.

Sec. 8. It shall be the duty of the said county treasurer to pay over to the commissioner named in this act, from time to time, such sums as he (the county treasurer) may receive, to be expended by said commissioner in laying out and building said road. The contract for constructing the said road shall be let to the lowest bidder, at such time and place as the said commissioner may designate; and notice for the letting of such contract shall be posted in at least three of the most public places in the village of Harrisville, in the county of Alcona, and also in the village of Sable, in the county of Iosco, at least ten days before the time designated.

Treasurer to
pay over
money to
commis'r.

Contract be
let to lowest
bidder.

Sec. 9. It shall be the duty of said commissioner to render to the board of supervisors of said county, at their annual sessions in each year, verified by his oath or affidavit, of the application and disbursements of all moneys that may have come into his hands for constructing said road.

Commis'r to
make report
of expendi-
tures.

Sec. 10. In case the commissioner mentioned in this act shall not accept of the appointment, or a vacancy occur from any cause, then it shall be lawful for the Governor of this State to fill such vacancy by appointment: *And it is further provided,* That the Governor shall remove such commissioner, if he shall become satisfied that he is not properly discharging the duties required by this act.

Governor to
fill vacancies

Proviso.

Sec. 11. This act shall take immediate effect.

Approved April 2, 1869.

[No. 405.]

AN ACT to authorize proceedings to collect taxes to defray the expenses of constructing certain ditches in the county of Saginaw, and to appraise the damages arising from the construction of such ditches.

Supervisors
to determine
expense of
certain
ditches.

SECTION 1. *The People of the State of Michigan enact, That* the board of supervisors of the county of Saginaw is hereby authorized to ascertain and determine the expenses which have been incurred by the drainage commissioners of said county, in constructing the several ditches dug in said county, known on the records of the drainage commissioners as the Chesaning Maple Grove ditch, the Buena Vista quarter line ditch, the East Saginaw Buena Vista ditch, the Buena Vista plank road ditch, and Tittabawassee, Ketchville and Saginaw ditch, and also the expenses incurred by said drainage commissioners upon any other ditches in said county which have been wholly or in part constructed prior to the first day of January, eighteen hundred and sixty-nine, under proceedings taken by said commissioners, including the incidental expenses, and the damages, if any, which have been or may be assessed, to be paid to the owners of the lands upon which said ditches are located, and interest on said amounts.

To apportion
expenses to
township.

Sec. 2. The said board of supervisors shall apportion to each township in which any portion of said ditches is located, such proportion of the said expenses as said board shall determine, to property belonging to such township, for the construction of said portions of the ditches located within the same, after apportioning one-third of the expenses to the county at large, as provided in section sixteen of this act; and it shall be the duty of the supervisor of such township to assess the amount so apportioned, adding thereto not more than four nor less than two per cent. for collection fees, upon the taxable property in his township, in the same manner as is provided by law for the assessment of State, county and township taxes, and to be collected, and return of lands delinquent therefor, to be made in the same manner and at the same time as is

To assess
amounts
apportioned.

provided for those taxes. The amounts ascertained and determined by the board of supervisors for the expenses of each ditch shall be stated and kept separate; and the apportionment to the township shall specify the same for each ditch in that township of which the apportionment is made up; the supervisor, in assessing the tax, shall place the same in a separate column in his roll, and in case the apportionment to his township shall contain sums to be collected for different ditches, the sum for each ditch shall be placed in a separate column by itself. The moneys when collected shall be paid over to the county treasurer.

Sec. 3. Out of the moneys so collected shall be paid the orders which have been draw by the drainage commissioners, to pay for the construction and expenses of said ditches, which are now outstanding. The orders shall be payable respectively only out of the fund collected as aforesaid, to meet the expenses of the ditch, in reference to which the orders were originally drawn.

Sec. 4. All persons who have heretofore paid taxes assessed against any lands in such township, for the construction of such ditches, shall be entitled to apply to the board of supervisors and make proof of the amount so paid; and the board of supervisors shall ascertain and determine such amount, and the ditch in reference to which it was paid, and give to the person entitled thereto, an order for such amount on the fund collected, as aforesaid, to meet the expenses of such ditch; and the order shall be payable out of such fund, and shall be receivable for the taxes hereby authorized to create such fund.

Sec. 5. It shall be the duty of the county treasurer to return all lands upon which a tax shall be levied under this act, delinquent for such tax, to the Auditor General; and the same shall be advertised and sold therefor, at the same time, in the same manner, subject to the like redemption, and deeds to be executed therefor with the same effect as lands delinquent for other taxes.

How Auditor
General may
sell lands.

Sec. 6. The Auditor General is authorized to reject the taxes heretofore assessed against any lands for the construction of any of said ditches, and which have been returned as delinquent for such tax, and proceed to sell said lands for other taxes for which they are delinquent, the same, and with the same effect as if said ditch taxes had not been levied against said lands. The Auditor General and said county treasurer are authorized to receive payment of the other taxes for which said lands are returned delinquent.

Commissioners;
court to
appoint.

Sec. 7. The drainage commissioners or commissioner of said county shall have power to apply to any court of record of such county, for the appointment of three commissioners; and thereupon it shall be the duty of said court to appoint three disinterested freeholders, residents of said county, such commissioners, and deliver to the drainage commissioners or commissioner a certificate of the appointment of said commissioners. The drainage commissioners or commissioner shall administer to each of the commissioners so appointed, an oath, that he is disinterested, and will well and faithfully discharge his duty as such commissioner, to the best of his ability.

Duties of.

Sec. 8. It shall be the duty of such commissioners so appointed, to examine the said ditches, or such of them as shall be required by the drainage commissioners or commissioner, and the lands adjacent thereto, and which are drained, or would be drained thereby, if such ditches were left open, and determine the necessity for such ditch or ditches, or any portions thereof, and assess the damages, if any, to which any person or persons shall be entitled by reason of the construction of such ditch or ditches, or such portions thereof as they shall determine are necessary. Such commissioners shall certify in writing, to the drainage commissioners or commissioner, their findings, and the amount of damages so assessed by them.

To report
amount of
damages.

Drainage
commissioners to
pay damages

Sec. 9. If damages shall be assessed by the commissioners, and certified, as aforesaid, the drainage commissioners or commissioner shall thereupon issue their order upon the county treasurer for the amount of such damages to any person or

persons, their agents or attorneys, entitled thereto, payable out of the fund provided by this act for the payment of the expenses of the ditch for which such damages were assessed.

Sec. 10. If said ditches, or any portion of them, are located on lands of which the owners are not known to the drainage commissioners or commissioner, the special commissioners shall assess the damage, if any, to such lands, specifying the amount of such damage to each parcel; and the drainage commissioners or commissioner shall draw orders for such damage in favor of the owner of such land, payable in the manner provided in the last section, and such orders shall be deposited with the board of drain commissioners or commissioner, to be delivered to the persons entitled thereto, when called for.

Duty of, when owner is not known

Sec. 11. In case any of the commissioners appointed as aforesaid, shall fail to perform their duties as such commissioners, for any reason, or shall perform it only in part, other commissioners may be appointed, who shall proceed to perform the duties of such commissioners, as herein provided; and such commissioners may be appointed as often as may be necessary to carry out the provisions of this act.

When new commis's may be appointed.

Sec. 12. The provisions of this act shall apply to the city of East Saginaw, to the officer of said city whose duty it is to assess the taxes therein, in the same manner that they apply to townships and to the supervisors of townships.

How provisions of act shall apply to East Saginaw.

Sec. 13. The commissioners appointed as aforesaid, and said drainage commissioners, shall each be entitled to receive two dollars per day for their services, and ten cents a mile for the distance necessarily traveled by them in discharging their duties under this act, to be allowed by the board of supervisors; and orders therefor shall be given them, drawn on the funds of the respective ditches in reference to which their duties were performed.

Compensat'n of commissioners.

Sec. 14. The assessment and collection of the taxes herein provided for to meet the expenses incurred in the construction of said ditches, and the incidental expenses, shall not be dependent upon the action of the special commissioners as herein

Assessment, of taxes not to be dependent on action of commissioners.

provided for; and the proceedings to assess and collect the taxes relating to any one of said ditches shall not be dependant upon proceedings taken in relation to any of the other ditches.

Injury to
ditches; how
punished.

Sec. 15. Any person who shall willfully and maliciously obstruct or injure any of said ditches shall be subject to prosecution and punishment, in the same manner provided by section eleven, of the act of the Legislature of this State, entitled "An act to provide for the drainage of swamps, marshes, and other low lands," approved March 15, 1861.

Supervisors
to apportion
part of ex-
pense to
county.

Sec. 16. The board of supervisors shall apportion to the county at large one-third of the aforesaid expenses of said ditches, to be raised as a county tax; in such case the board of supervisors shall enter upon its records the amount of the expenses of each ditch, which shall go to make up the gross amount so apportioned to the county. The amount apportioned to the county shall be apportioned among the several towns and cities of the county in the same manner as other county taxes are apportioned, and shall be assessed upon the several tax rolls at the same time, and in the same manner as other county taxes are assessed, adding thereto not more than four nor less than two per cent. for collectors' fees; but such tax shall be placed in the tax rolls in a separate column from all other taxes. The same proceedings to collect such tax, including the return and sale of lands, shall be taken as are provided for the collection of the general taxes. The moneys, when collected, shall be paid to the county treasurer, and shall be by him placed to the credit of the several ditch funds hereinbefore provided for, on the basis of the sums which shall have been stated by the board of supervisors as composing the amount apportioned to the county as aforesaid.

All moneys
to be paid
to county
treasurer.

Sec. 17. This act shall take immediate effect.

Approved April 2, 1869.

[No. 406.]

AN ACT appropriating certain non-resident tax to aid in constructing a ditch or drain from a point on Elk Creek, in the county of Sanilac, to a point on the Lexington and Lapeer State road, in Sanilac county.

SECTION 1. *The People of the State of Michigan enact, That* ^{Special commissioner appointed.} James Anderson, of Elk, Sanilac county, be and he is hereby appointed a special commissioner to lay out and superintend the construction of a ditch or drain, commencing at a point on Elk Creek, near the center of section thirty-six, of town eleven north, of range fifteen east, in the county of Sanilac, running thence in a south-westerly direction, through sections six and seven, of the township of Buel, and sections twelve, thirteen, fourteen, twenty-three, and twenty-six, of the township of Elk, to a point on the Lexington and Lapeer State road, near the center of section twenty-six, in said township of Elk.

Sec. 2. It shall be the duty of said commissioner, within three ^{Duty of} months after this act shall take effect, to proceed to lay out and establish said ditch or drain, and to cause the same to be surveyed, and a description thereof to be filed with each of the township clerks of the townships through which said ditch or drain shall pass, whose duty it shall be to record the same.

Sec. 3. In all cases where damages may be claimed by reason ^{Proceedings in case of damage.} of laying out and establishing said ditch or drain, the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Sec. 4. For the purpose of constructing said ditch or drain, ^{Non-resident highway taxes appropriated.} there is hereby appropriated all the non-resident highway tax one mile and a half each side of the line of said ditch or drain, for the term of five years from the passage of this act.

Sec. 5. The State shall not be liable for any expenses or ^{Who to pay expenses of drain.} damages sustained by reason of this act; but the townships through which said ditch or drain shall pass shall pay for the survey and necessary expenses, and shall also pay the com-

missioner two dollars per day for his services, for the time necessarily and actually expended by him.

Overseers to pay over all non-resident taxes to commissioner.

Sec. 6. Any overseer of highways, or township treasurer, having received any portion of such non-resident tax, shall, on demand of the special commissioner herein provided for, pay over to such commissioner any such sums of money, and said commissioner's receipt therefor shall release such overseer or treasurer from liability.

Commis'r to render acc't to supervisor

Sec. 7. It shall be the duty of such special commissioner to render to the board of supervisors of said county, at their annual session, a true account, on oath or affirmation, of the receipts and disbursements of all moneys received by him during each year from such townships respectively, and shall also make such report to the Auditor General on or before the first day of December of each year.

Bond of.

Sec. 8. Said commissioner, before he shall be entitled to receive any moneys so collected as aforesaid, shall make and execute to the county treasurer of said county, a bond in the sum of one thousand dollars, with such sureties as the said county treasurer shall approve, conditioned that he will faithfully apply, according to law, all moneys received by him by virtue of this act, which bond shall be filed in the office of the county clerk of said county.

Supervisors to fill vacancy of.

Sec. 9. The board of supervisors of the county of Sanilac shall have the power, and it shall be their duty to fill any vacancy that may occur on account of death, neglect or refusal of said commissioner to serve under the provisions of this act.

How ditch shall be constructed.

Sec. 10. Said ditch or drain shall be so constructed that in no place it shall be less than twelve feet wide on the top nor less than five feet wide on the bottom, with an average depth of four feet, and be graded so as to drain off the water to the bottom of the same its entire length.

Sec. 11. This act shall take immediate effect.

Approved April 2, 1869.

[No. 407.]

AN ACT to amend sections seven, eighty-seven, ninety-one, ninety-two, one hundred and sixty, and two hundred and thirteen, of act number two hundred and fifteen, of the laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Owosso," approved February fifteenth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections amended.} sections seven, eighty-seven, ninety-one, ninety-two, one hundred and sixty, and two hundred and thirteen, of act number two hundred and fifteen, of the laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Owosso," approved February fifteenth, in the year one thousand eight hundred and fifty-nine, be and hereby are amended so as to read as follows:

Sec. 7. At each annual election there shall be elected one ^{Officers and terms of office.} mayor, one clerk, one treasurer, and one supervisor at large: ^{Provided.} *Provided, That the first election for supervisor at large shall be* held on the first Monday in April next, at the same time and places that the election for Justice of the Supreme Court is held, the election to be conducted in the same manner as other elections in said city, and two directors of the poor, each of whom shall hold their respective offices for one year; also at said election the electors of each ward in said city shall elect one alderman, who shall hold his office two years, and until his successor is elected and qualified. There shall also be elected annually one school inspector, who shall hold his office for two years and until his successor shall be elected and qualified; and also at each annual election there shall be elected by the electors of each judicial district, one supervisor and one constable, who shall hold their respective offices for one year; and at each fourth annual election, one justice of the peace, who shall hold his office for four years. The first and fourth wards shall be ^{Judicial districts} the first judicial district, and the second and third wards shall be the second judicial district, for the purpose of electing justices of the peace, supervisors, and constables, and for no other purpose.

Compensat'n
of officers.

Sec. 87. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter described, and which shall be as follows, to wit: To the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding one hundred dollars per annum; to the city treasurer a sum not exceeding one hundred dollars per annum; to the city marshal, as superintendent of streets and highways, a sum not exceeding one dollar and fifty cents per day, and at that rate for any part of a day, for every day actually spent by him in the performance of such duties; to each alderman of said city (as such) a sum not exceeding one dollar per annum; to the city auditor a sum not exceeding one hundred dollars per annum; and they may also establish the fees or salary to be paid to all other officers appointed by them, whose fees are not prescribed by law, and whose compensation for services is required to be paid from the city treasury.

Supervisors;
rights and
privileges of.

Sec. 91. The three supervisors shall represent the city in the board of supervisors of the county, and shall be entitled to all the rights, privileges and powers, and shall be subject to all the obligations of supervisors of townships.

Tax roll.

Sec. 92. The supervisor of each judicial district shall complete the tax roll and deliver the same to the mayor by the first day of June, who shall deliver the same, with his warrants, to the treasurer within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such treasurer as required by law, and in this act provided; but if such security shall not have been given by such treasurer in the manner and within the time required, the common council shall immediately appoint some suitable person, who will give the requisite security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner,

Proviso

Action when
proper secu-
rity is not
given.

and shall have all the powers, and shall perform all the duties, and shall be subject to all the liabilities in this act conferred upon the treasurer, for the purpose of collection and return and paying over such taxes.

Sec. 160. In making the estimate and assessment of highway ^{Highway taxes.} taxes, the common council shall proceed as follows:

First. Every male inhabitant in each ward, being above the ^{Poll tax.} age of twenty-one and under fifty, except paupers, idiots and lunatics, and other persons exempt by law from taxation for highway purposes, shall be assessed fifty cents.

Second. The residue of highway taxes shall be assessed not ex- ^{How residue of highway taxes shall be assessed.} ceeding fifty cents upon every one hundred dollars of the valuation, shall be apportioned upon the estate, real and personal, of every inhabitant in each highway district in said city, and upon each of the tracts or parcels of land in the respective highway districts of which the owners are non-residents, as the same shall appear from the assessment roll.

Third. The common council shall affix to the name of each ^{Council to levy taxes on property not named in roll.} person named in the list furnished by the supervisors, and not assessed upon the assessment roll, and also to each valuation of property within the several highway districts, the amount of which such person or property shall be assessed for highway taxes, adding fifty cents to the assessment of each person between the ages of twenty-one and fifty years, liable to such assessment upon the city assessment roll.

Sec. 213. For the purpose of building, maintaining, and re- ^{City to be deemed a township for bridge purposes.} pairing the bridges over the Shiawassee river, on Main and Washington streets within said city, the township of Owosso and the said city shall be deemed the township of Owosso, and shall be subject to all the provisions of the general laws of this State, relative to the building, maintaining and keeping in repair such bridges: *Provided,* That three commissioners be ap- ^{Provido.} pointed by the common council of said city, who, together with the commissioners of highways of the said township of Owosso,

shall have joint control of the erection and repairing of said bridges.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 408.]

AN ACT to amend the charter of the village of Jonesville.

Act amended SECTION 1. *The People of the State of Michigan enact, That an act entitled "An act to incorporate the village of Jonesville," approved February 10, 1855, and the act amendatory thereto, approved January 29, 1857, be and the same is hereby amended so as to read as follows:*

CHAPTER I.

BOUNDARIES.

Boundaries. SECTION 1. So much of the township of Fayette, in the county of Hillsdale, and State of Michigan, as is included in the following territory, to wit: The south half of section thirty-three, in township number five south, of range number three west, and the north three-fourths of section four, and the east half of the north-east quarter, and the north-east quarter of the south-east quarter of section five, in township number six south, of range number three west, be and the same is hereby constituted a village corporate, by the name of the village of Jonesville.

Body corporate and politic.

Sec. 2. The freemen of said village, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the village of Jonesville, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may have a common seal,

which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying, and disposing of any real and personal estate of said village.

CHAPTER II.

ELECTIONS.

Sec. 1. The annual elections, under this act, shall be held on Elections. the first Monday of March in each year, at such place in said village as the common council shall designate, notice of which Notice of shall be given by the recorder, at least ten days before the election, by posting the same in three public places in said village, or by publishing the same in some newspaper printed in said village. The president, recorder, and one or more of the trustees shall be inspectors of such elections, and all other village Inspectors of elections, and any one of them may act as clerk thereof; and in the case of the absence of one or more of such inspectors, the electors may choose, *viva voce*, from their number, one or more to fill such vacancies, to whom shall be administered the constitutional oath, by either of said inspectors, or by any justice of the peace or notary public. The manner of conducting all Manner of conducting elections and canvassing the votes, and the qualifications of electors in said village, shall be the same as that of townships, the word "village," instead of "township," being used in the oath to be administered to an elector, in case his vote shall be challenged; at such charter elections the said inspectors shall make a certificate of the number of votes given for each person for the several offices to be filled in and for the said village, which certificate shall be immediately filed in the office of the recorder of said village; and upon the Thursday next following Council to determine who is elected. the day of said election, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given at such election, are duly elected to fill the respective village offices; and it shall be the

Recorder to
notify per-
sons of their
election.

Tie; how
decided.

Treasurer to
give security

Who declar'd
to be electors

Oath to be
taken in case
of challenge.

Powers of
board of
election.

duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election; and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office; and in case two or more persons shall receive, for the same office, an equal number, and not a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such office. The treasurer shall, before entering upon the discharge of his duties, give such security to the common council as they shall direct; and in case any of the officers so elected, or any appointed officer, shall neglect, for the term of ten days, to qualify, as aforesaid, or to give security, the office shall thereby become vacant.

Sec. 2. The inhabitants of said village, being electors under the constitution and laws of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at any such elections; and a person offering to vote at any such election, if challenged by an elector of said village, before his vote shall be received, shall take one of the oaths or affirmations provided by the laws of this State for electors at general and special elections, for the time being, which oath or affirmation may be administered to him by either of the inspectors of the election. Upon taking such an oath or affirmation, if duly registered in said village, he shall forthwith be permitted to vote. In all other respects, not herein provided, said elections shall be conducted, as near as may be, in accordance with the general statutes provided for township elections.

Sec. 3. The board of election in said village, at all elections held therein, shall possess all the powers not inconsistent with this act, that boards of elections in townships possess under and in pursuance of the laws of this State; and in all matters not otherwise provided for in this act, the laws of this State

applicable to the holding of township meetings, shall apply to the holding of all annual and special elections held under this act; and all laws of this State, not inconsistent with this act, applicable to the holding of general elections in the townships of this State, shall apply to the holding of general elections in said village.

Sec. 4. At all subsequent elections, held by virtue of this act, the polls shall be opened at the place designated by the common council, at ten o'clock in the morning, and shall be kept open, without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be finally closed.

Sec. 5. At all annual elections held under this act, the electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the electors intend to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office, than [there] are persons to be chosen at the election to fill such office.

Sec. 6. If, at any annual election to be held in said village, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is elected for the said office, shall be designated on the ballot.

Sec. 7. It shall be the duty of the inspectors of election, on receiving the votes, as specified in section five of this chapter, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list, to be kept by said inspectors of election, or under their direction.

Inspectors
to canvass
votes and file
certificate.

Sec. 8. Immediately after the closing of the polls, the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them and declare the result, and shall, on the same day, or the next day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or the next day, with the recorder of the village.

Who deem'd
to be elected.

Sec. 9. The person receiving the greatest number of votes for any office in said village, shall be deemed to have been duly elected to such office; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take as many strips of paper of equal size, as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put said ballots together in a hat or box, and one of the members of the common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn, shall be declared elected. If no-

Proceedings
when notice
of election is
not given.

tice of any election shall not be given as herein required, it shall be lawful for the electors to meet at the proper time and place, and hold the election, and in case of the non-attendance or neglect of the proper officers to act, the electors present may, *viva voce*, choose inspectors to act in their places: *Provided*, That if any election of officers under this act, shall not be held on the day when it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice thereof being given, as provided in this act.

Proviso.

CHAPTER III.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Officers
and terms
of office.

Sec. 1. The qualified electors of said village shall meet on the first Monday of March, eighteen hundred and seventy, at such place as shall be designated by the common council, and

elect, in accordance with the provisions of this act, one president, one recorder, two assessors, three trustees for one year, and two trustees for two years; and at each succeeding annual election there shall be elected one president, one recorder, two assessors, one trustee for one year, and two trustees for two years, who shall respectively hold their offices until their successors are elected and qualified.

Sec. 2. The following officers shall be appointed by the common council, on or before the first Monday in April of each year, viz: A marshal, treasurer, village attorney, a pound master, and one or more street commissioners.

Sec. 3. The common council may also appoint so many police constables, night watch, inspectors of fire-wards, sealers of weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted, and as the common council may, from time to time, direct.

Sec. 4. No person shall be eligible to either of said offices, unless he shall then be an elector and resident of said village; and when any officer, elected or appointed for the village, shall cease to reside in said village, his office shall thereby become vacant.

CHAPTER IV.

VACANCIES IN OFFICE—WHEN THEY EXIST—HOW FILLED, &c.

Sec. 1. Every office shall become vacant on the happening of either of the following events, before the expiration of the term of such office: the death of the incumbent, his resignation, his removal from office, his ceasing to be an inhabitant of the village, his conviction of any infamous crime, or of any offense involving the violation of his oath of office, the decision of a competent tribunal declaring void his election or appointment, or his refusal or neglect to take his oath of office, or to give or render any official bond, or to deposit such oath or bond in the manner, and within the time prescribed by law.

Sec. 2. When any vacancies occur in any of the offices which are appointed by the common council, either by death, resig-

nation, removal of the incumbent, or otherwise, the said council may fill such vacancy, by appointment, for the remainder of the unexpired term for which such officer was appointed.

How vacancy in office of trustee shall be filled.

Sec. 3. Whenever a vacancy occurs in the office of trustee, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the village, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said village shall immediately appoint a special election, to be held not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of trustee within three months before the first Monday of March of any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

proviso.

Power of council to fill certain vacancies.

Sec. 4. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointive, except trustee or recorder, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector; and any officer appointed to fill a vacancy, if the office is elective, shall hold, by virtue of such appointment, only until the tenth day after the election next succeeding, or until his successor is elected and qualified.

Notice of special election.

Sec. 5. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election, a notice, signed by the recorder, specifying the officer to be chosen, and the day and place at which such election is to be held, and the proceedings of such election shall be the same as at the annual village election.

CHAPTER V.

OF THE POWERS OF THE COMMON COUNCIL.

Common council; who to constitute

Sec. 1. The president, recorder, and trustees, when assembled together and organized, shall constitute the common council of the village of Jonesville, and a majority of the whole shall be

necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time; and the common council may be summoned to hold their meetings at such time as the president, or in case of his absence or inability to act, the recorder may appoint, and at such place as shall have been designated as council room by the common council. The common council shall have power to impose, levy, ^{May levy fines.} and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meetings of any officer of the corporation who has been duly notified to attend the same. In case of the absence of the president or recorder ^{President pro tem.} from such meetings, the members present may appoint a president or recorder *pro tempore*. Each member of the common council shall be entitled to one vote; but the recorder shall not be required to act on any committee.

Sec. 2. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the ^{Common council may pass laws relative to—} management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the ^{Public property.} village, and may dispose of the same, and make such rules and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said village to enact, continue, establish, annul, amend and repeal such ordinances, by-laws, rules and regulations as they may deem desirable for the following purposes:

First. To prevent vice and immorality; to preserve public ^{Vice.} peace and good order; to organize, maintain, and regulate a ^{Police.} police of the village when necessary, and to define the powers and duties of such police, or of any police officers; to prevent ^{Riots.} riots, and quell riots, disturbances and disorderly assemblies.

Second. To prevent and restrain disorderly and gaming ^{Gaming houses.} houses, and houses of ill-fame; to prevent the exhibition or use of any and all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and restrain and ^{Billiard tables.} prohibit all billiard tables kept or used for gaming purposes.

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- Liquors.** *Third.* To forbid and prevent the vending, giving away, or other disposition of liquors and intoxicating drinks to any drunkard, minor, or other person in the habit of getting intoxicated, and to prohibit, restrain, and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers.
- Shows.** *Fourth.* To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances or exhibitions for money.
- Nuisances.** *Fifth.* To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, coal pit, or other offensive or unwholesome house or place, to cleanse, purify, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort, and convenience of the inhabitants of said village.
- Slaughter houses.** *Sixth.* To direct the location of all slaughter houses, markets, and buildings for storing gunpowder, or other combustible material or substances.
- Gunpowder.** *Seventh.* Concerning the buying, carrying, selling, and using of gunpowder, or other combustible materials, and the exhibition of fire-works; the use of lights in barns, stables, and other buildings, and to regulate or prohibit the discharge of fire-arms within the limits of the village, or the making of bonfires in streets or yards therein.
- Fire-arms.** *Eighth.* To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, or other public places in any manner whatever.
- Incumbering of streets.**
- Horse-racing** *Ninth.* To prevent and punish horse-racing and immoderate driving or riding in any street, park or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, park or alley in said village.

Tenth. To determine and designate the routes and grades of ^{Routes and grades of} any railroad to be laid in said village, and to restrain and regu- ^{railroads.} late the use of locomotives, engines and cars upon the railroads within the village.

Eleventh. To preserve the salubrity of the waters of St. ^{Water in} Joseph river, or other streams within the limits of said village; to prohibit or regulate bathing therein, and to provide for clearing the same of drift-wood or other obstructions; to fill up all low grounds or lots covered or partly covered with water within the limits of said village, or drain the same, as they may deem expedient.

Twelfth. To restrain and punish drunkards, vagrants, street ^{Vagrants.} beggars, and all disorderly persons, or keepers of gaming or disorderly houses, or other houses in which drunkards or boisterous persons are allowed to congregate and disturb the peace, or in which any crime or misdemeanor shall be committed by the knowledge or consent of the occupant of such house.

Thirteenth. To establish, maintain and regulate one or more ^{Pounds.} pounds in said village, and to prohibit, restrain or regulate the running at large of horses, cattle, sheep, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding, and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and sell- ^{Selling animals} ing of the animals, geese or poultry therein impounded, as they ^{impounded.} may deem necessary, or as may be advisable for the purpose of perfecting the title of any property sold in conformity with any ordinance or by-law, and of preserving the evidence, and declaring the legal effect of any and all evidence of any such sale or sales; and no court other than the circuit court for the county of Hillsdale, or the courts held in said village shall have jurisdiction of any action of replevin, or other action against any pound master of said village for or on account of any animal or animals, geese or poultry impounded, or for or on

account of any act done by any such pound master, in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said village.

Dogs. *Fourteenth.* To prevent or regulate the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets.

Offensive substances. *Fifteenth.* To prohibit any person from bringing or depositing within the limits of said village, any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his or her premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the village.

Sidewalks. *Sixteenth.* To compel all persons in such part or parts of the village as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions, but the village shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, dirt, wood, or other obstructions.

Ringling of bells. *Seventeenth.* To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets.

Duties of officers. *Eighteenth.* To prescribe the powers and duties of all the officers of said village, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies.

Cemeteries. *Nineteenth.* To purchase suitable grounds for a cemetery; survey and divide the same in such form and manner as they may deem proper; fix and determine the price of burial lots; sell and convey the same; ornament, fence and improve such cemetery, or any burial ground now in said village, and enlarge the same; regulate the burial of the dead; preserve tombstones and monuments, and exercise a general control over all burial places in said village.

Burial of the dead.

Twentieth. To provide for the lighting of the streets and ^{Lighting of} alleys, and the protection of the public lamps. ^{streets.}

Twenty-first. To establish, order and regulate the markets; ^{Markets.} to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, ^{Unwhole-} fish, vegetables, or other articles of food or provisions, impure, ^{some meat.} spurious, or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided,* ^{Providio.} That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats, by the quarter, within the limits of the village.

Twenty-second. To establish, regulate and preserve public ^{Reservoirs.} reservoirs, wells and pumps, and to prevent the waste of water.

Twenty-third. To regulate and establish the line upon which ^{Building} buildings may be erected upon any street, lane or alley, in said ^{lines.} village, and to compel such building to be erected upon such line, by a fine upon the owner thereof, not exceeding five hundred dollars for each offense.

Twenty-fourth. To establish fire-districts, within which no ^{Fire limits.} wooden building (except such as shall be authorized by the common council) shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain.

Twenty-fifth. To regulate and restrain hawking and peddling ^{Peddling.} in the streets, and to regulate and license pawn-brokers.

Twenty-sixth. To prescribe the duties of all officers appointed ^{Duties of} by the common council, and their compensation, and the penalty ^{officers.} or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the village for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law.

Twenty-seventh. To prescribe and designate the stands for ^{Cartmen,} carriages of all kinds which carry persons for hire, and carts ^{etc.} and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for

- Fines.** sale in said village, and to regulate the sale thereof; and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding three months, or by both such fine and imprisonment, in the discretion of the recorder or justice who shall try the offender.
- Shade trees.** *Twenty-eighth.* To regulate and require the setting of shade trees in the streets of said village, and to provide for the preservation of the same; and any person owning real estate in said village, in front of which there is not a sufficient number of shade trees growing, may expend twenty-five per cent. of his or her highway labor or highway tax, in each and every year, in setting out shade trees along the margin of the streets or highways in front of such lands, at such distance from the margin of the street or highway as the common council may determine, or as the street commissioner may prescribe: *Provided, That* until the common council or street commissioner shall determine the distance such trees shall be set from the margin of the street or highway, the same may be set not less than six nor more than ten feet from the margin of the street or highway.
- Weights and measures.** *Twenty-ninth.* To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures; and all the laws of this State in relation to the sealing of weights and measures shall apply to said village, except as herein otherwise provided.
- Village prison.** *Thirtieth.* To erect or establish a village prison, or lock-up, and to make all necessary rules and regulations for the imprisonment of persons therein when under arrest for any disturbance of the peace, or offense against the ordinances or by-laws of said village.
- Ordinances.** *Thirty-first.* The common council shall have full power to make all such by-laws and ordinances, rules and regulations as

they may deem proper for fully and effectually enforcing any and all powers conferred upon them by this act.

Sec. 3. The common council may ascertain, establish and ^{Boundaries of streets,} settle the boundaries of all streets and alleys in the said village, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, the prevention of fires, the levying of taxes, the supplying of the village with water, and all other subjects of municipal regulation, not herein expressly provided.

Sec. 4. The common council shall have power to assess, levy, ^{Power of council to collect taxes.} and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money, ^{To appropriate money.} provide for the payment of the debt and expenses of the village, and make regulations concerning the same; to employ ^{To employ persons confined in jail.} all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in any lock-up, jail, work-house, or prison, at work or labor, either within or without the same, or upon any street or public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make all such other by-laws, ordinances or regulations as they may deem necessary for the good government of said village.

Sec. 5. The common council shall have power to make all ^{To make by-laws to secure city against fire.} such by-laws and ordinances as they shall deem necessary and proper, to secure said village and the inhabitants thereof against injuries by fire; to compel the owners or occupiers of buildings to procure and keep in readiness such number of fire buckets as they may direct; to establish, maintain and regulate ^{To establish fire companies.} all such fire engine, hook and ladder, and hose and bucket companies as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper

To appoint
firemen.

Firemen to
elect their
own officers.

Firemen to
be exempt
from poll tax
and jury ser-
vice.

Council to
adopt meas-
ures to pre-
serve public
health.

To appoint
board of
health.

Power of
council over
taverns, etc

buildings, engines, and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said village, such number of persons, not exceeding fifty to one company, as are willing to accept, or as may be deemed proper to be employed as firemen; and every such company shall have power to appoint its own officers, and to pass by-laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper; and every person belonging to such company shall annually obtain from the recorder a certificate, which shall be *prima facie* evidence of his membership for one year from the date thereof. Every member of such company, during his membership, shall be exempt from service on juries, from military duty in time of peace, and from payment of a poll tax.

Sec. 6. The common council shall have power, and it shall be their duty to adopt measures for the preservation of the public health of said village; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the village; to establish a board of health, and to invest it with such powers, and to impose upon it such duties as shall be necessary to secure the inhabitants of said village from contagious, malignant and infectious diseases; to provide for its proper organization, and for the appointment of the proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said village, as shall secure a prompt and efficient discharge of the duties imposed upon them by the common council by this act.

Sec. 7. The common council shall have and exercise, in and over said village, the same powers in relation to the regulation of taverns, groceries, common victualers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of

villages in relation to tavern-keepers and common victualers, and subject to the same conditions and limitations; and no person shall engage in or exercise the business of tavern-keeper, inn-holder, common victualer or saloon-keeper within the limits of said village, until he is first duly licensed as such by the common council; and any person who shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay, for every day he shall so exercise such business or occupation, the sum of two dollars, to be recovered by action of debt in the corporate name of said village, together with the costs of prosecution, before any justice of the peace. The common council shall have power to grant licenses to authorize persons to exercise the business of tavern-keeper, inn-holder, common victualer, or saloon-keeper within said village, and may impose such fees, to be paid into the village treasury on the granting of such license, as they may see fit: *Provided*, That no license shall be granted for the sale of spirituous liquors or intoxicating drinks. ^{To collect fines.}

Sec. 8. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps, and reservoirs to be built in any part of said village; to cause the grading, raising, leveling, repairing, amending, paving, or covering with broken or pounded stone, plank, or other material, any street, lane, alley, highway, public ground or sidewalk of said village; to provide the width of any and all sidewalks, the material of which the same shall be built, the manner of construction, and the time within which any and all improvements shall be made. ^{To build bridges, etc.} The common council shall also have full power to compel the owners or occupants of land, at their own expense, to repair, construct, make, grade, pave, plank, or gravel, and curb and rail all sidewalks adjoining such lands, by resolution or ordinance: *Provided*, That no person owning or occupying farming lands which are not laid out into lots or blocks, shall be compelled to build or maintain in front of one farm or parcel of such farming land, at his own individual expense, more than twenty-five rods of sidewalk; but the forego- ^{To direct building of sidewalks.} *Proviso.*

ing proviso shall not apply to sidewalks now built, or to such as may have been ordered built by the common council of the said village, previous to the time this act shall take effect.

To determine amount of benefit to property of any drain.

Sec. 9. The common council shall have power, subject to the limitations and restrictions contained in this act, to determine, in such manner as they may deem proper, what property will be benefited by any proposed drain, sewer, or other improvement, and the just proportion which any and every parcel of land so adjoining to be benefited by any such drain, sewer, or other improvement ought to be taxed therefor; and the said common council may cause such drain, sewer, or other improvement to be made at the expense of the land adjudged to be benefited thereby, and according to the benefits which each parcel of land will derive from such drain, sewer, or other improvement, according to the estimate or judgment of the said

To cause land benefited to pay for drain.

To authorize selling of property.

common council; and the said common council may levy, assess and collect, or cause to be assessed and collected from the owner or occupants of any such lands, his or her just proportion of such expense; and the said common council may provide for the collection of all such, and of every other assessment or tax for special purposes, by a sale of any personal property found upon any lands assessed, and for the want of any or of sufficient personal property whereon to levy and sell to collect such tax, then the officer whose duty it shall be to collect such tax, shall proceed to levy, sell, and collect the same, or the balance that may remain uncollected, together with all costs of advertising and collecting, by a sale of real estate assessed in the manner hereinafter provided.

To provide for repairing sidewalks.

Sec. 10. The common council may provide for the immediate repair of cross-walks and sidewalks, and for collecting the cost and expense thereof in such manner as they may deem proper, subject to the restrictions herein contained; and they may determine the time and manner of assessing and collecting all highway taxes, and all other taxes except as herein otherwise provided; and they may enact such general by-laws or ordinances in relation to the assessing and collecting of all such

Assessing taxes.

taxes not inconsistent with the constitution of this State or of the United States, as they may deem just and proper; and all by-laws or ordinances, rules or regulations adopted by the common council, by or in pursuance of any of the powers conferred upon them in this act, shall be binding upon all courts, and in all places whatsoever.

Sec. 11. In addition to the powers conferred upon the common council by this act, they shall have and may exercise all the powers, within said village, of commissioners of highways, or which commissioners of highways in townships may exercise, under the laws of this State, now or hereafter in force; and the said common council, in the exercise of the powers and duties of commissioners of highways, as aforesaid, may adopt the same course that commissioners of highways may, or are required to adopt, or the mode herein pointed out for the exercise of such powers, as they may deem proper; but the common council may lay out, open and establish public streets or highways of a less or greater width than four rods, as the public good may require.

Council to have power of com'rs of highways.

Sec. 12. It shall be the duty of the common council to cause such of the streets and highways in said village as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office of the recorder of said village, in the book of street records; and the recording of such highways, streets, lanes, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records, in the office of the recorder by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described.

To cause streets to be re-surveyed.

Sec. 13. On the third Tuesday in the month of February in each year, the common council shall audit and settle the accounts of the village treasurer, and the accounts of all other officers and persons having claims against the village or accounts

Annual statement.

and which the said common council of said village could legally pass, shall be and remain in full force therein until amended or repealed by the common council.

How by-laws may be proved.

Sec. 20. All by-laws, regulations, resolutions and ordinances may be proved in the manner provided by an act entitled "An act to provide for proving the by-laws, ordinances and resolutions of incorporated cities and villages in certain cases," approved March 18, 1865.

Council to punish driving on sidewalks, etc.

Sec. 21. The common council may prevent and punish the riding or driving of any beast or team upon any sidewalk, or the doing of any act injurious or dangerous to any of the property of said village, or of the property of any of the inhabitants thereof, or which shall be dangerous to the life or health of any of the inhabitants of said village; and whenever, by this act, the common council are given any power, they may adopt by-laws or ordinances, rules and regulations, relative thereto.

Council may take private property for streets.

Sec. 22. If in laying out or altering any street, lane or highway the common council shall require for such purpose the ground of any person, they shall give notice thereof to the owner or person interested, or his, or their agent or representative, by personal service, or by written notice posted in three of the most public places in said village, at least three weeks next preceding the meeting of the common council for the purpose aforesaid; and the common council are authorized to treat with such person or persons for the grounds or premises;

Notice to owner.

Summoning of jury.

and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the recorder of said village to issue a *venire facias*, to command the marshal of said village to summon and return a jury of twelve disinterested freeholders, to be taken within the limits of the township in which said village is situate, to appear before said recorder, at a time therein to be stated, to inquire into and determine the necessity for using such ground, and the just compensation to be paid therefor to the owner or owners of or parties interested in said ground or premises, which jury, being first duly sworn by said president or recorder,

faithfully and impartially to inquire into the necessity for taking ^{Jury to} or using such ground, and to ascertain and determine the ^{award} just compensation to be paid therefor, and having viewed the ^{damages} premises, if necessary, shall inquire of, and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or the parties interested in such ground and premises, for their respective injuries, according to the several interests or estates therein; and said recorder shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before ^{Compensat'n} such street, lane, or alley shall be made, laid out, altered or ^{tendered to} opened, to the claimant or claimants thereof; it shall there- ^{owner.} upon be lawful for such common council to cause such ground to be occupied for the purposes aforesaid: *Provided, That* ^{Proviso.} any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, or her or their intention so to do, to the recorder of said village, in writing, within ten days, or in case of the absence of said party from said village at the time of rendering of said judgment, then within thirty days after the verdict of such jury and the judgment of such recorder as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said recorder, within forty days after [the] verdict and judgment aforesaid, in the circuit court, or any other court of record having appellant jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided,* ^{Ibid.} That if the final judgment for damages shall not exceed the damages assessed before the recorder, at least ten dollars, then the party appealing shall pay all costs occasioned by such appeal.

CHAPTER VI.

OF THE POWERS AND DUTIES OF OFFICERS.

President
to be chief
executive
officer.

Sec. 1. The president shall be the chief executive officer of the village, and shall also be president of the common council, and shall countersign all orders drawn upon the village treasurer, and see that all the officers of said village faithfully comply with and discharge their official duties; that all laws pertaining to the municipal government of said village, and all ordinances and resolutions of the common council are faithfully observed. He shall have the same power, as conservator of the peace within the limits of the village, as any justice of the peace has, or may by law have, and to this end it shall be lawful for him, when any person shall in his presence be guilty of a breach of the peace, or a violation of any of the ordinances of the common council, punishable by fine or imprisonment, to direct the marshal, or other officer, forthwith to apprehend such offender or offenders, and take him or them before any justice of the peace, who shall, without unreasonable delay, proceed to the examination and trial of the party arrested. He shall also have power, and it shall be his duty to preserve order and decorum in the council room during the session of the common council, and for this purpose may order any disorderly person to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours.

To preserve
peace.

To cause
arrest of
offenders.

Recorder
to have all
powers of
township
clerk.

To keep
records.

To draw
orders.

Sec. 2. The recorder shall perform all the duties and have all the statutory powers of a township clerk, in respect to the filing and custody of all papers required to be filed, and the performance of all other statutory duties. He shall keep a record of the proceedings of the common council, and a record of all claims allowed by them. He shall also draw all orders on the treasurer for claims and accounts allowed by the common council, and, if required, keep an account, as near as may be, to which fund the same belongs; and he may have a deputy, who may perform all the duties of recorder.

Sec. 3. It shall be the duty of every trustee in said village ^{Trustees to attend meetings of council.} to attend the regular and special meetings of the common council; to act upon committees when thereto appointed by the president or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of said village; to report to the pres- ^{To report any neglect of other officers.} ident all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

Sec. 4. The marshal of said village shall be the chief of police; ^{Marshal to be chief of police.} see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regulations. He shall obey all the ^{To obey orders of council.} lawful orders of the president, and may command the aid and assistance of all constables, and all other persons, in the discharge of the duties imposed upon him by law. He may appoint ^{May appoint deputies.} such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said village, or of the people of the State, as sheriffs or constables have by law to execute similar process. The marshal shall also possess all the powers of ^{To have powers of constables.} a constable under the laws of this State, or which constables in townships have, and such other powers and duties as are mentioned in this act, or as the common council acting under the powers in this act conferred, may prescribe: *Provided, That* ^{Proviso.} nothing in this act shall be construed into his serving process in civil cases.

Sec. 5. The village attorney, under the direction of the common ^{Village attorney to conduct law business of corporation.} council, shall have charge of and conduct of all the law business of the corporation, and in which it shall be interested, except otherwise ordered by the common council in special cases, and shall also advise the common council boards of the village,

To advise
council.

and their officers and committees, upon all matters appertaining to the business of said village, and the enactment of its laws and ordinances, when submitted to him for his opinion.

Treasurer to
have charge
of money.

Sec. 6. The village treasurer shall have the custody of the money and valuable papers and obligations belonging to the corporation, and shall keep a just and true account of all moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council, and upon warrants

To report to
council.

drawn by the president and recorder. He shall, once in each year, and oftener, if required, settle with the common council, and shall pay over all moneys in his hands upon the order of the common council, and shall deliver all obligations and valuable papers in his possession to his successor in office, when required.

To collect
taxes.

He shall also receive all moneys belonging to the village, and collect all taxes levied or assessed therein, except as otherwise

To give
bond.

provided herein, and for that purpose he shall give bond to said village in such sum and with such surety or sureties as the common council shall require and approve; and for the purpose of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer on giving the bond or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State, as prescribed by law, within the limits of said village, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes.

To have
custody of
all bonds,
etc.

The treasurer shall have the custody of all bonds, mortgages, notes, leases, and evidences of debt belonging to the corporation.

Assessors to
make annual
assessment.

Sec. 7. The assessors shall make the annual assessment of all property, real and personal, in said village, which is liable to assessment, as hereinafter more particularly provided, and they shall, when so directed by the common council, make any assessment upon real estate in said village liable to taxation for special purposes, but which is not liable to be assessed for general purposes; and in such cases the common council may correct, revise and confirm such assessment.

Sec. 8. The recorder shall possess the same powers, and perform and discharge the municipal duties of president during the absence or inability, death, resignation or removal of the president. President pro tem.

Sec. 9. All fines, penalties, and forfeitures recovered before any justice of the peace on violation of any by-laws or ordinances of said village, shall when collected, be paid into the village treasury, on the first Monday of each and every month. All fines to be paid into treasury.

Sec. 10. The street commissioners, and such other officer or officers as the common council may direct and appoint shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, sidewalks, cross-walks, or other public grounds within the limits of the village, in such manner as he or they may be from time to time directed; the street commissioners shall collect all capitation or poll taxes in said village, and all resident highway labor or tax therein which overseers of highways are authorized to collect in their respective highway districts; and such street commissioners shall severally be overseers of highways, and vested with all the powers of overseers of highways under the laws of this State, now or hereafter in force in this State, and such street commissioners may severally pursue and adopt the same course, in collecting all highway tax, and in the performance of all duties as overseers of highways, that overseers of highways in townships may adopt, or they may collect all such taxes in such manner as the by-laws or ordinances in force in said village may prescribe; and each street commissioner shall give a bond, in such penalty and with such surety as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner, and for the accounting for and paying over all moneys that may come into his hands as such officer by virtue of his office; and such street commissioner shall receive as compensation for his services such sum as the common council may direct and allow; and each street commissioner shall be the fence-viewer of said village, and possess all Street commissioners to superintend grading of streets. To collect poll tax. To be overseers of highways To give bond Fees of.

the powers and be subject to the same liabilities as fence-viewers in townships.

Appointed
officers to
give security

Sec. 11. All other officers, whose duties are not herein expressly prescribed, and which the common council are herein authorized to appoint, shall perform such duties, and give such security as the common council may require; and all officers appointed by the common council, or who shall have the control or management of any of the money or property of the village, may be required to give such security as the common council may prescribe and approve, and in default thereof, the common council may declare their office vacant.

CHAPTER VII.

COURTS OF JUSTICE, FINES, PENALTIES, AND LEGAL PROCEEDINGS.

Justices of
the peace.

To try
offenses.

Punish
offenders.

Corporation
allowed use
of county
jail.

Sheriff to
have charge
of criminals.

Sec. 1. Any justice of the peace residing in the township in which said village is situate, or any town adjoining, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him, in writing, to inquire into and hear, try and determine all offenses which shall be committed within said village, against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders, as by said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizance for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison or to the village lock-up as occasion may require. The corporation of the village of Jonesville shall be allowed the use of the common jail of the county of Hillsdale, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to the village lock-up or to jail by any justice of the peace, for any violation of a by-law or ordinance of said common council, shall be in the custody of the keeper of the village lock-up or of the sheriff of the county, as the case may be, who shall keep safe

the person so committed until lawfully discharged, as in other cases.

Sec. 2. Whenever any person shall be charged with having ^{Proceedings in case of violation of any ordinance.} violated any ordinance or by-law of the village, in which the offender is liable to imprisonment, any justice of the peace of said township in which said village is situated, or any township ^{Justice to issue warrant.} adjoining the same to whom complaint shall be made, shall issue a warrant to the sheriff or any constable of said county, or the marshal of said village, commanding him or them, in the name of the people of the State of Michigan, to bring the body of such person before him forthwith, to be dealt with according to law, and to answer unto the village of Jonesville; and any such officer to whom such warrant shall be delivered for service, is hereby required to execute the same, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process; and all process issued by any justice of the peace, to enforce or carry into effect any of the by-laws or ordinances of the ^{Sheriff to execute the same.} village of Jonesville, may be delivered to the sheriff or any constable of the county of Hillsdale, or to the marshal of the village of Jonesville; and the marshal or other officer to whom said warrant shall be delivered for service, is hereby required to execute the same, in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Sec. 3. The expense of apprehending, examining and committing offenders against any law of this State in the said village, and of their confinement, shall be audited and allowed and paid by the supervisors of the county of Hillsdale, in the same manner as if such expenses had been incurred in any town of said county; and the board of supervisors of said ^{Expenses of apprehension; how paid.} county of Hillsdale shall audit and allow all legal charges ^{Supervisors to audit charges.} against said county, presented to said board by any justice of the peace or constable, for services rendered in said village, as in other cases.

Contents of
warrants.

Sec. 4. Warrants issued by justices of the peace for the apprehension of persons charged with violating any ordinance or by-law of the village of Jonesville, shall recite the substance of the complaint, and shall command the officer to whom the same is directed, as provided in section two of this chapter; and on the person charged being brought before the justice who issued the warrant, the same proceedings shall be had, as near as may be, as is provided by law for the trial, conviction, and punishment of offenders against the laws of this State, or for the trial of such offenders, as justices of the peace have jurisdiction to hear and determine.

Village attorney to sue
for fines.

Sec. 5. When any person shall violate any ordinance of the village of Jonesville, the violation of which is only punishable by fine, the same may be sued for by the attorney of the village, or any member of the common council, in the name of the village of Jonesville, before any justice of the peace of the township in which said village is situate, or any adjoining township; and in [such] case, the justice shall issue a summons, returnable not less than two nor more than six days, which may be directed to the marshal, sheriff, or any constable of said county, and may be served by any one of said officers, but the same shall be served at least two days before the return thereof, in the same manner as summonses issued by justices of the peace, under the laws of this State, and the same provisions and principles of law, (not inconsistent with this act,) shall apply in relation to said summons, the service and return thereof, and all subsequent proceedings in, to and including the rendition of judgment therein, as applies to the collection of penalties before justices of the peace, under the general laws of this State.

How summons shall
be served.

Right of
appeal.

Sec. 6. In all civil or criminal cases tried before any justice of the peace for violation of any village by-law or ordinances, the same right of appeal or *certiorari* shall be allowed to the circuit court for the county of Hillsdale, as is allowed from the decision and judgment of justices of the peace in townships, and such appeal or *certiorari* may be taken in like manner, and

with like effect: *Provided, If* any judgment in any action shall ^{Provide.} be rendered against the village by any justice of the peace, such judgment may be removed by appeal or *certiorari* to the circuit court in the county of Hillsdale, in the same manner and with the same effect as though the village were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said village.

Sec. 7. Whenever any fine shall be imposed by any justice of ^{Marshal to collect fines.} the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the village, or to any constable, commanding him to collect of the goods and chattels of the person so offending, the amount of such fine with interest and costs, and for want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the village lock-up, or to the common jail of the county of Hillsdale, to be safely kept by the officer in charge until said defendant be discharged by due course of law; and the defendant shall remain imprisoned until the execution, with all costs and charges thereon, shall be paid, or he be discharged by due course of law: *Provided, That* the common council may ^{Provide.} remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Sec. 8. In all suits in which the corporation of the village of ^{Citizens to be competent as jurors.} Jonesville shall be a party, or shall be interested, no inhabitant ^{of said village shall be deemed incompetent as an officer, witness, or juror, on account of his interest in the event of such suit or action: Provided, Such interest be such only as he has} ^{Provide.} in common with the inhabitants of said village.

CHAPTER VIII.

OF TAXATION, TAXES, AND THE COLLECTION THEREOF.

Sec. 1. The assessor shall, in each and every year, make and ^{Assessment roll.} complete the assessment of all the real and personal property within said village, in the same manner, and within the time,

as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so doing shall in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes.

Time for
reviewing.

Sec. 2. On the third Monday of May, and for so many days next thereafter in each and every year, (not exceeding three days in all), it shall be the duty of the village assessors and the recorder to meet at nine o'clock in the forenoon of said day or days, at the common council room, or in case of the sickness or inability of the assessors, recorder, or either of them, the place of such officer or officers so disqualified shall be filled by appointment of the president; and the said assessors and recorder, together with the persons so appointed as aforesaid, or a majority of them, when assembled together as aforesaid, shall constitute a board of review for the purpose of reviewing the assessment roll of said village, and of correcting any and all errors which said board, or a majority of them, may discover in said rolls, or any of them, and of exercising all the powers which the supervisors of townships are authorized to exercise at the time appointed by law for the review of their assessments; and any member of said board is hereby authorized to examine, on oath, any person who shall make an application to said board, and also to administer any oath to any such person, or to any person who may be required to file any affidavit with them, or either of them.

Members of
board au-
thorized to
examine per-
sons making
application.

Certificate;
board to at-
tach to roll.

Contents of.

Sec. 3. When the said board has reviewed and completed the assessment rolls for said village, it shall be their duty, or the duty of a majority of the members of said board, to attach to said roll, signed by them, a certificate, which may be in the following form: "We do hereby certify that the above assessment roll contains a description of all the real estate in the village of Jonesville liable to be taxed, according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof; that the said assess-

ment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that we have estimated the same at its true cash value, according to our best information and belief."

Sec. 4. Any of the members of said board, except the assessors, may make such certificate, from such knowledge as they may possess, are able to obtain from said assessors, or can acquire while sitting on said board. Who may make certificate.

Sec. 5. When the said assessment roll for said village is thus completed, it shall be the duty of the assessors to deliver it forthwith, or on demand, to the recorder; and thereupon the duty of the recorder, in relation to said roll so delivered to him, and in relation to all other matters not inconsistent with the provisions of this act, shall be the same as those of supervisors of townships. Roll to be delivered to recorder.

Sec. 6. The recorder shall complete the tax roll of said village, and deliver the same with his warrant thereto attached, to the village treasurer on or before the first Monday in July in each year: *Provided*, Security has been given by such village treasurer, as required by law, or in this act provided; but if such security shall not have been given by such village treasurer, in the manner and in the time required, the common council shall immediately appoint some suitable person, who shall give the required security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the power, and shall perform all the duties, and be subject to the same liabilities in this act conferred upon the village treasurer of said village, for the purpose of the collection and return, and paying over said taxes. Recorder to complete and deliver to treasurer. Proviso. Proceedings when security has not been given by treasurer.

Sec. 7. For the collection of all such taxes, the village treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council, not exceeding two per centum upon the sum to be collected, which sum shall be added in the computation Collector; percentage allowed to.

of the taxes, on said tax roll, and the said treasurer shall collect the tax rolls put into his hands on or before the first day of September in each year, in the same manner that the several township treasurers of the State are required to collect their tax rolls, and he shall make his return to the common council on or before the second Monday of September, and he shall possess all the powers and perform all the duties of township treasurers of this State as prescribed by law, which are not inconsistent with this act.

To have powers of township treasurer.

Power of council to levy taxes.

Proviso.

Sec. 8. The common council shall have authority to assess, levy and collect taxes on all the real and personal estate taxable in said village, which taxes shall be and remain a lien on the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax, more than three-fourths of one per cent. for village purposes, on the assessed property of the same, in any one year, exclusive of capitation or poll tax, and taxes for highways, sidewalks, grading or paving of streets or alleys, or taxes for other purposes levied or assessed upon the property adjacent to, or to be benefited by the improvement for which such taxes are assessed.

Poll tax.

Sec. 9. The common council shall have power to assess and collect from every male inhabitant of said village, over the age of twenty-one and under the age of fifty years, (except paupers, idiots, lunatics, and persons otherwise exempted by law,) an annual capitation or poll tax not exceeding one dollar, and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax, or labor in lieu thereof, shall be expended or performed under the direction of the common council.

Proviso.

Council authorized to tax property

Sec. 10. The common council shall have full power and authority to levy and collect taxes upon all real and personal estate in said village, subject to the limitations contained in

section eight of this chapter, necessary to be raised for purposes other than such as are provided for in section nine of this chapter; and all taxes lawfully levied or imposed upon any lands, tenements, or property in said village, shall be and remain a lien upon the same from the time of assessing or imposing such tax, until the same is paid; and the owners, occupants or persons interested in any real estate upon which taxes are so assessed, shall be liable upon demand to pay the same, or in default of such payment, or of the payment of any part of such tax, it shall be lawful for the treasurer of said village to collect the same by the sale of personal property of such owner, occupant or person interested in such real estate, and in default of personal property out of which to collect such tax, to sell such real estate or so much thereof as may be necessary to collect such tax, together with the expenses and charges of collecting the same: *Provided*, That whenever any real estate shall be sold by such treasurer, notice of such sale shall be given by publishing the same in some public newspaper published in said village, for at least four successive weeks, once in each week, prior to the day of sale; and the treasurer shall give to the purchaser or purchasers of any real estate so sold for taxes, a certificate of such purchase, giving the description of the land sold, the amount paid for the same, and the time when a deed shall be given for the same unless sooner redeemed according to law; and such lands may be redeemed from such sale for taxes, at any time within one year from the day of sale, by the payment to the treasurer of said village, of the amount for which the same was sold, together with interest on the same at the rate of twenty-five per cent.; unless so redeemed the president and recorder of said village shall execute and deliver a deed of the same to such purchaser, his heirs or assigns, which deed so executed shall be evidence to the same extent, and in all respects have the same force and effect as deeds given by the Auditor General of this State, for lands purchased at tax sales for non-payment of taxes under the laws

Tax to be a
lien on real
estate.

When treas-
urer may sell
personal
property.

Proviso.

Certificate

When lands
may be re-
deemed.

Deed to
purchaser.

Proviso. of this State: *Provided*, That all deeds for lands heretofore sold for non-payment of taxes of said village, under the charter of the same, before this amendment shall take effect, and not yet executed, shall be executed under the provisions of said charter as in force at the time of such sale.

When taxes may be lev'd for grading, etc.

Sec. 11. Taxes for grading or paving any streets or alleys, and building or repairing any sidewalks, constructing any tanks, reservoirs, or hydrants, or for other purposes, by which the property adjacent to such improvements are to be especially or exclusively benefited, may be assessed or levied upon the property adjacent to such grading, paving, sidewalk, tank, hydrant, or other improvement, and may be collected and enforced in the same manner as other taxes.

Council to determine amount to be raised by tax.

Sec. 12. It shall be the duty of the common council of said village, on or before the last Saturday preceding the first day of May in each year, to determine, by resolution, the amount necessary to be raised by tax for village purposes within said village for such year; and it is hereby made the duty of the recorder of said village to levy the sum so apportioned upon the taxable property of such village in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Recorder to levy the sum apportioned.

Taxes to remain a lien on property.

Sec. 13. The taxes so levied for village purposes, and all other purposes, shall be and remain a lien upon the property on which the same was levied or assessed, in the same cases, to the same extent, and in like manner as the taxes required by law to be levied on property in the several townships of this State, are liens upon such property; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of property for non-payment of such village and other taxes, except as herein otherwise provided.

Want of form not to invalidate any tax.

Sec. 14. No general or special tax, assessed in said village, upon any property therein, shall be held illegal or invalid for want of any matter of form in any matter or thing not affecting the merits of the case, and which shall not injure or preju-

dice the rights of the party assessed; nor shall any excess of tax render any sale of property invalid, unless it shall appear that the legal tax, costs and charges were tendered to the officer collecting the same, before a sale of the property was made, or in case of the sale of real estate, unless it shall be made to appear that all legal taxes assessed upon such real estate were tendered to the officer authorized to receive such redemption money, before the time of redemption expired; and all taxes assessed in said village shall be presumed to be legally assessed, until the contrary is affirmatively shown; and no such presumption shall be rebutted, or any sale for taxes assessed in said village rendered invalid by showing that any paper, certificate, return, or affidavit required to be made and filed in any office, is not to be found in the office where the same ought to be filed or found; but until the contrary is proven, the presumption shall be, in all such cases, that such paper, certificate, return, or affidavit was made and filed in the proper office.

Excess of tax not to render sale invalid.

Taxes to be deemed legally assessed.

CHAPTER IX.

SALARIES OF OFFICERS.

Sec. 1. The officers of said corporation shall be entitled to receive out of the village treasury, the following sums, in full payment of their services: The president shall be paid one dollar per annum; the trustees shall each receive, for all services connected with their duties as members of the common council, the sum of one dollar per annum; the recorder shall receive, for all services for the village, such sum as the common council shall allow, not exceeding one hundred dollars per annum; the village attorney shall receive from the village, for all services rendered therefor, such sum as the common council shall allow, not exceeding one hundred dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed by law for similar services, and he shall also receive such further compensation from the village as the common council shall allow, not

Salaries of officers.

Ind. exceeding fifty dollars per annum; and any officer in said village who shall be authorized to arrest any person for any offense against any of the by-laws of said village, shall, for making such arrest, either with or without process, be entitled to receive and collect as costs from the person so arrested, if guilty, the sum of one dollar, in full for making any such arrest in the village; the street commissioners and inspectors of elections shall each receive such sum per day for actual services rendered for the village, not exceeding two dollars, as the common council shall allow, and all other officers, surveyors, or persons performing any services for the village, shall receive such compensation as the common council shall allow, or as they may fix and determine by ordinance or resolution.

MISCELLANEOUS PROVISIONS.

Power of chairman of committees to administer oath. Sec. 1. The chairman of any committee or special committee of the common council shall have power to administer any oath, or take any affidavit in respect to any matter pending before the common council or such committee.

What deemed perjury. Sec. 2. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Officers gaining suits to receive double costs. Sec. 3. If any suit shall be commenced against any person elected or appointed under this act, to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act, by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Council to assess expenses of opening streets, etc Sec. 4. The common council shall have power to cause the expense of making, grading, paving, and opening of streets, lanes, alleys, sidewalks, cross-walks, parks, public grounds and other local improvements to be assessed in whole or in part

against the owner or occupants of lots and premises to be benefited thereby, or by general tax in whole or in part, as they may deem just and proper, or as herein otherwise provided, subject only to the restrictions in this act contained in relation to sidewalks.

Sec. 5. The duties of standing committees shall be prescribed by general ordinance. Such committees shall have power to subpoena witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them, and to that end the common council may prescribe and regulate the necessary proceedings, and confer upon the marshal or other officers of the corporation, all needful powers for the purposes aforesaid. Power and duties of committees

Sec. 6. The common council shall hold regular sessions at such times and places as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time, as may be deemed expedient; and they may hold special sessions and adjourn the same in the same manner as regular sessions, and they may provide for calling special sessions, otherwise than as herein provided. Sessions of council.

Sec. 7. All ordinances, by-laws, regulations, resolutions and rules of the common council of the village of Jonesville, now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council, under this act. Present ordinances to remain in force.

Sec. 8. Whenever an action shall have been maintained and judgment recovered against said village by any person on account of damages sustained by reason of any defective sidewalk or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises in front of which said sidewalk shall be, or on account of any excavation in the street by any gas, hydraulic or railroad company, and such owner, occupant or company shall have been reasonably notified to appear and defend said action, the judgment, if any, obtained against said village, shall be conclusive as to the amount of damages, and the validity of the claim of the village against Proceedings in action for defective sidewalks, etc.

such owner, occupant or company, and the same may be recovered in an action for money paid for the use of said owner, occupant or company, or in any other proper form of action: *Provided*, That no person or corporation shall be liable, as provided in this section, to the village, unless such person or corporation shall have received at least twenty-four hours' notice to repair or correct the defect complained of, or which occasioned the injury for which damages were recovered against the village.

Proviso.

Council to perform duties of township boards.

Sec. 9. The common council of said village is hereby authorized and required to perform the same duties, in and for said village, as are by law imposed upon township boards of the several townships of this State in reference to all matters not herein otherwise provided for; and the recorder or his deputy shall perform all the duties of township clerks, or which township clerks are authorized to perform, that are necessary to be performed in said village, and not herein otherwise provided for.

Council to pass laws for carrying out its powers.

Sec. 10. In all cases in which any power is conferred by this act upon the common council of the village, or upon any officer mentioned herein, and the manner of exercising or enforcing such power is not herein pointed out, or sufficiently and accurately described, the common council may prescribe the manner of exercising and enforcing all such powers, and may pass such ordinances in relation to all such matters and things not inconsistent with the constitution of the United States and of this State, as they may deem proper.

Terms of office.

Sec. 11. The officers elected on the first Monday of March, eighteen hundred and sixty-nine, and duly qualified under the provisions of the act to which this act is amendatory, shall continue to hold their respective offices, and exercise the duties thereof as herein provided, until their successors are elected and qualified under the provisions of this act: *Provided*, That it shall be competent for the common council of said village to fill by appointment any vacancy which may occur in the offices of said village by death, removal, resignation, or any other cause,

and all such appointees shall continue to hold and discharge the duties of their respective offices until their successors are elected or appointed and qualified.

Sec. 12. This act shall be deemed a public act, and copies thereof printed by authority of the Legislature, shall be received in evidence in all courts and places, without further proof.

Sec. 13. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 14. This act shall take immediate effect.

Approved April 2, 1869.

[No. 409.]

AN ACT to detach certain territory from the townships of Manistee and Stronach, in the county of Manistee, and to organize such territory so detached, into a township by the name of Filer.

SECTION 1. *The People of the State of Michigan enact, That* Territory detached. lots three and four, of section nineteen, lots four and five, of section twenty, the west half of section twenty-nine, the entire of sections thirty and thirty-one, and the west half of section thirty-two, of township twenty-one north, of range sixteen west, be and the same are hereby detached from the township of Stronach; that section thirteen, (except lots two and three,) and sections fourteen, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, in township twenty-one north, of range seventeen west, be and the same are hereby detached from the township of Manistee.

Sec. 2. The territory described in section one of this act, as Township organized. detached from the townships of Manistee and Stronach, is hereby organized into a township by the name of Filer.

Sec. 3. The first township meeting shall be held in said town- First town-ship of Filer, at the store of Filer and Son, on the first Monday ship meeting of April next.

as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so doing shall in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes.

Time for reviewing.

Sec. 2. On the third Monday of May, and for so many days next thereafter in each and every year, (not exceeding three days in all), it shall be the duty of the village assessors and the recorder to meet at nine o'clock in the forenoon of said day or days, at the common council room, or in case of the sickness or inability of the assessors, recorder, or either of them, the place of such officer or officers so disqualified shall be filled by appointment of the president; and the said assessors and recorder, together with the persons so appointed as aforesaid, or a majority of them, when assembled together as aforesaid, shall constitute a board of review for the purpose of reviewing the assessment roll of said village, and of correcting any and all errors which said board, or a majority of them, may discover in said rolls, or any of them, and of exercising all the powers which the supervisors of townships are authorized to exercise at the time appointed by law for the review of their assessments; and any member of said board is hereby authorized to examine, on oath, any person who shall make an application to said board, and also to administer any oath to any such person, or to any person who may be required to file any affidavit with them, or either of them.

Members of board authorized to examine persons making application.

Certificate; board to attach to roll.

Sec. 3. When the said board has reviewed and completed the assessment rolls for said village, it shall be their duty, or the duty of a majority of the members of said board, to attach to said roll, signed by them, a certificate, which may be in the following form: "We do hereby certify that the above assessment roll contains a description of all the real estate in the village of Jonesville liable to be taxed, according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof; that the said assess-

Contents of.

ment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that we have estimated the same at its true cash value, according to our best information and belief."

Sec. 4. Any of the members of said board, except the assessors, may make such certificate, from such knowledge as they may possess, are able to obtain from said assessors, or can acquire while sitting on said board.

Who may make certificate.

Sec. 5. When the said assessment roll for said village is thus completed, it shall be the duty of the assessors to deliver it forthwith, or on demand, to the recorder; and thereupon the duty of the recorder, in relation to said roll so delivered to him, and in relation to all other matters not inconsistent with the provisions of this act, shall be the same as those of supervisors of townships.

Roll to be delivered to recorder.

Sec. 6. The recorder shall complete the tax roll of said village, and deliver the same with his warrant thereto attached, to the village treasurer on or before the first Monday in July in each year: *Provided*, Security has been given by such village treasurer, as required by law, or in this act provided; but if such security shall not have been given by such village treasurer, in the manner and in the time required, the common council shall immediately appoint some suitable person, who shall give the required security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the power, and shall perform all the duties, and be subject to the same liabilities in this act conferred upon the village treasurer of said village, for the purpose of the collection and return, and paying over said taxes.

Recorder to complete and deliver to treasurer.

Proviso.

Proceedings when security has not been given by treasurer.

Sec. 7. For the collection of all such taxes, the village treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council, not exceeding two per centum upon the sum to be collected, which sum shall be added in the computation

Collector; percentage allowed to.

of the taxes, on said tax roll, and the said treasurer shall collect the tax rolls put into his hands on or before the first day of September in each year, in the same manner that the several township treasurers of the State are required to collect their tax rolls, and he shall make his return to the common council on or before the second Monday of September, and he shall possess all the powers and perform all the duties of township treasurers of this State as prescribed by law, which are not inconsistent with this act.

To have powers of township treasurer.

Power of council to levy taxes.

Proviso.

Sec. 8. The common council shall have authority to assess, levy and collect taxes on all the real and personal estate taxable in said village, which taxes shall be and remain a lien on the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax, more than three-fourths of one per cent. for village purposes, on the assessed property of the same, in any one year, exclusive of capitation or poll tax, and taxes for highways, sidewalks, grading or paving of streets or alleys, or taxes for other purposes levied or assessed upon the property adjacent to, or to be benefited by the improvement for which such taxes are assessed.

Poll tax.

Proviso.

Sec. 9. The common council shall have power to assess and collect from every male inhabitant of said village, over the age of twenty-one and under the age of fifty years, (except paupers, idiots, lunatics, and persons otherwise exempted by law,) an annual capitation or poll tax not exceeding one dollar, and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax or labor in lieu thereof, shall be expended or performed under the direction of the common council.

Council authorized to tax property

Sec. 10. The common council shall have full power and authority to levy and collect taxes upon all real and personal estate in said village, subject to the limitations contained in

section eight of this chapter, necessary to be raised for purposes other than such as are provided for in section nine of this chapter; and all taxes lawfully levied or imposed upon any lands, tenements, or property in said village, shall be and remain a lien upon the same from the time of assessing or imposing such tax, until the same is paid; and the owners, occupants or persons interested in any real estate upon which taxes are so assessed, shall be liable upon demand to pay the same, or in default of such payment, or of the payment of any part of such tax, it shall be lawful for the treasurer of said village to collect the same by the sale of personal property of such owner, occupant or person interested in such real estate, and in default of personal property out of which to collect such tax, to sell such real estate or so much thereof as may be necessary to collect such tax, together with the expenses and charges of collecting the same: *Provided*, That whenever any real estate shall be sold by such treasurer, notice of such sale shall be given by publishing the same in some public newspaper published in said village, for at least four successive weeks, once in each week, prior to the day of sale; and the treasurer shall give to the purchaser or purchasers of any real estate so sold for taxes, a certificate of such purchase, giving the description of the land sold, the amount paid for the same, and the time when a deed shall be given for the same unless sooner redeemed according to law; and such lands may be redeemed from such sale for taxes, at any time within one year from the day of sale, by the payment to the treasurer of said village, of the amount for which the same was sold, together with interest on the same at the rate of twenty-five per cent.; unless so redeemed the president and recorder of said village shall execute and deliver a deed of the same to such purchaser, his heirs or assigns, which deed so executed shall be evidence to the same extent, and in all respects have the same force and effect as deeds given by the Auditor General of this State, for lands purchased at tax sales for non-payment of taxes under the laws

Tax to be a
lien on real
estate.

When treas-
urer may sell
personal
property.

Proviso.

Certificate

When lands
may be re-
deemed.

Deed to
purchaser.

proviso. of this State: *Provided*, That all deeds for lands heretofore sold for non-payment of taxes of said village, under the charter of the same, before this amendment shall take effect, and not yet executed, shall be executed under the provisions of said charter as in force at the time of such sale.

When taxes may be lev'd for grading, etc.

Sec. 11. Taxes for grading or paving any streets or alleys, and building or repairing any sidewalks, constructing any tanks, reservoirs, or hydrants, or for other purposes, by which the property adjacent to such improvements are to be especially or exclusively benefited, may be assessed or levied upon the property adjacent to such grading, paving, sidewalk, tank, hydrant, or other improvement, and may be collected and enforced in the same manner as other taxes.

Council to determine amount to be raised by tax.

Sec. 12. It shall be the duty of the common council of said village, on or before the last Saturday preceding the first day of May in each year, to determine, by resolution, the amount necessary to be raised by tax for village purposes within said village for such year; and it is hereby made the duty of the recorder of said village to levy the sum so apportioned upon the taxable property of such village in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Recorder to levy the sum apportioned.

Taxes to remain a lien on property.

Sec. 13. The taxes so levied for village purposes, and all other purposes, shall be and remain a lien upon the property on which the same was levied or assessed, in the same cases, to the same extent, and in like manner as the taxes required by law to be levied on property in the several townships of this State, are liens upon such property; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of property for non-payment of such village and other taxes, except as herein otherwise provided.

Want of form not to invalidate any tax.

Sec. 14. No general or special tax, assessed in said village, upon any property therein, shall be held illegal or invalid for want of any matter of form in any matter or thing not affecting the merits of the case, and which shall not injure or preju-

dice the rights of the party assessed; nor shall any excess of tax render any sale of property invalid, unless it shall appear that the legal tax, costs and charges were tendered to the officer collecting the same, before a sale of the property was made, or in case of the sale of real estate, unless it shall be made to appear that all legal taxes assessed upon such real estate were tendered to the officer authorized to receive such redemption money, before the time of redemption expired; and all taxes assessed in said village shall be presumed to be legally assessed, until the contrary is affirmatively shown; and no such presumption shall be rebutted, or any sale for taxes assessed in said village rendered invalid by showing that any paper, certificate, return, or affidavit required to be made and filed in any office, is not to be found in the office where the same ought to be filed or found; but until the contrary is proven, the presumption shall be, in all such cases, that such paper, certificate, return, or affidavit was made and filed in the proper office.

CHAPTER IX.

SALARIES OF OFFICERS.

Sec. 1. The officers of said corporation shall be entitled to receive out of the village treasury, the following sums, in full payment of their services: The president shall be paid one dollar per annum; the trustees shall each receive, for all services connected with their duties as members of the common council, the sum of one dollar per annum; the recorder shall receive, for all services for the village, such sum as the common council shall allow, not exceeding one hundred dollars per annum; the village attorney shall receive from the village, for all services rendered therefor, such sum as the common council shall allow, not exceeding one hundred dollars per annum; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed by law for similar services, and he shall also receive such further compensation from the village as the common council shall allow, not

Ind. exceeding fifty dollars per annum; and any officer in said village who shall be authorized to arrest any person for any offense against any of the by-laws of said village, shall, for making such arrest, either with or without process, be entitled to receive and collect as costs from the person so arrested, if guilty, the sum of one dollar, in full for making any such arrest in the village; the street commissioners and inspectors of elections shall each receive such sum per day for actual services rendered for the village, not exceeding two dollars, as the common council shall allow, and all other officers, surveyors, or persons performing any services for the village, shall receive such compensation as the common council shall allow, or as they may fix and determine by ordinance or resolution.

MISCELLANEOUS PROVISIONS.

Power of chairman of committees to administer oath. Sec. 1. The chairman of any committee or special committee of the common council shall have power to administer any oath, or take any affidavit in respect to any matter pending before the common council or such committee.

What deemed perjury. Sec. 2. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Officers gaining suits to receive double costs. Sec. 3. If any suit shall be commenced against any person elected or appointed under this act, to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act, by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Council to assess expenses of opening streets, etc. Sec. 4. The common council shall have power to cause the expense of making, grading, paving, and opening of streets, lanes, alleys, sidewalks, cross-walks, parks, public grounds and other local improvements to be assessed in whole or in part

against the owner or occupants of lots and premises to be benefited thereby, or by general tax in whole or in part, as they may deem just and proper, or as herein otherwise provided, subject only to the restrictions in this act contained in relation to sidewalks.

Sec. 5. The duties of standing committees shall be prescribed by general ordinance. Such committees shall have power to subpoena witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them, and to that end the common council may prescribe and regulate the necessary proceedings, and confer upon the marshal or other officers of the corporation, all needful powers for the purposes aforesaid. Power and duties of committees

Sec. 6. The common council shall hold regular sessions at such times and places as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time, as may be deemed expedient; and they may hold special sessions and adjourn the same in the same manner as regular sessions, and they may provide for calling special sessions, otherwise than as herein provided. Sessions of council.

Sec. 7. All ordinances, by-laws, regulations, resolutions and rules of the common council of the village of Jonesville, now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council, under this act. Present ordinances to remain in force.

Sec. 8. Whenever an action shall have been maintained and judgment recovered against said village by any person on account of damages sustained by reason of any defective sidewalk or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises in front of which said sidewalk shall be, or on account of any excavation in the street by any gas, hydraulic or railroad company, and such owner, occupant or company shall have been reasonably notified to appear and defend said action, the judgment, if any, obtained against said village, shall be conclusive as to the amount of damages, and the validity of the claim of the village against Proceedings in action for defective sidewalks, etc.

such owner, occupant or company, and the same may be recovered in an action for money paid for the use of said owner, occupant or company, or in any other proper form of action:

Proviso.

Provided, That no person or corporation shall be liable, as provided in this section, to the village, unless such person or corporation shall have received at least twenty-four hours' notice to repair or correct the defect complained of, or which occasioned the injury for which damages were recovered against the village.

Council to perform duties of township boards.

Sec. 9. The common council of said village is hereby authorized and required to perform the same duties, in and for said village, as are by law imposed upon township boards of the several townships of this State in reference to all matters not herein otherwise provided for; and the recorder or his deputy shall perform all the duties of township clerks, or which township clerks are authorized to perform, that are necessary to be performed in said village, and not herein otherwise provided for.

Council to pass laws for carrying out its powers.

Sec. 10. In all cases in which any power is conferred by this act upon the common council of the village, or upon any officer mentioned herein, and the manner of exercising or enforcing such power is not herein pointed out, or sufficiently and accurately described, the common council may prescribe the manner of exercising and enforcing all such powers, and may pass such ordinances in relation to all such matters and things not inconsistent with the constitution of the United States and of this State, as they may deem proper.

Terms of office.

Sec. 11. The officers elected on the first Monday of March, eighteen hundred and sixty-nine, and duly qualified under the provisions of the act to which this act is amendatory, shall continue to hold their respective offices, and exercise the duties thereof as herein provided, until their successors are elected and qualified under the provisions of this act: *Provided*, That it shall be competent for the common council of said village to fill by appointment any vacancy which may occur in the offices of said village by death, removal, resignation, or any other cause,

and all such appointees shall continue to hold and discharge the duties of their respective offices until their successors are elected or appointed and qualified.

Sec. 12. This act shall be deemed a public act, and copies thereof printed by authority of the Legislature, shall be received in evidence in all courts and places, without further proof.

Sec. 13. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 14. This act shall take immediate effect.

Approved April 2, 1869.

[No. 409.]

AN ACT to detach certain territory from the townships of Manistee and Stronach, in the county of Manistee, and to organize such territory so detached, into a township by the name of Filer.

SECTION 1. *The People of the State of Michigan enact, That* Territory detached. lots three and four, of section nineteen, lots four and five, of section twenty, the west half of section twenty-nine, the entire of sections thirty and thirty-one, and the west half of section thirty-two, of township twenty-one north, of range sixteen west, be and the same are hereby detached from the township of Stronach; that section thirteen, (except lots two and three,) and sections fourteen, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, in township twenty-one north, of range seventeen west, be and the same are hereby detached from the township of Manistee.

Sec. 2. The territory described in section one of this act, as Township organized. detached from the townships of Manistee and Stronach, is hereby organized into a township by the name of Filer.

Sec. 3. The first township meeting shall be held in said town- First town-ship of Filer, at the store of Filer and Son, on the first Monday ship meeting of April next.

Inspectors
of election.

Sec. 4. Florence Tabor, Chester Moffatt, and Eugene Shores are hereby appointed inspectors of election at the first township meeting to be held in said township of Filer, each of whom shall, before entering upon the duties of such inspectors, take the oath of office prescribed by the constitution.

Oath of

Proceedings
when elect'n
is not held at
appointed
time.

Sec. 5. If the township meeting shall not be held in said township, as provided by section three of this act, then it shall and may be lawful to hold such township meeting at any time thereafter, by giving at least ten days' notice of the time and place of holding the same, by posting notices thereof in four of the most public places in said township, which said notices such inspectors are authorized and required to post. If the inspectors named in this act shall fail to attend such township meeting, then it shall and may be lawful for the electors present to elect from their number three suitable persons to act as inspectors at such township meeting.

Sec. 6. This act shall take immediate effect.

Approved April 2, 1869.

[No. 410.]

AN ACT to enable the city or Marshall to pledge its credit to aid in the construction of the Jonesville, Marshall, and Grand River Railroad.

City author-
ized to pl'dge
credit.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the city of Marshall, under this act, by way of a loan or donation, to pledge its credit, with or without condition, to aid in the construction of the Jonesville, Marshall, and Grand River railroad, for such sum or sums, and to such an amount, not exceeding seventy-five thousand dollars, as a two-thirds majority of the tax-paying electors thereof, present and voting, shall, at any meeting or meetings called for that purpose, determine: *Provided*, That the amount of bonds which shall become due in any one year, or the principal of the money

Proviso.

payable, shall not exceed one-fifth of the amount so voted to be raised.

Sec. 2. It shall be the duty of the mayor of such city, upon the presentation to him of a request, either written or printed, ^{Mayor to call meeting of electors.} or partly written and partly printed, signed by at least two hundred of the tax-paying electors of such city, requesting that such city may aid in the construction of such railroad, and specifying therein the amount proposed to be raised, the time of payment of the sums, and the rate of interest, not exceeding ten per centum per annum, to call a meeting or meetings of the tax-paying electors of such city, by notice, either written or printed, or partly written and partly printed, at such place in said city, and at such time or times as shall be designated in such notice, not less than twenty nor more than twenty-five days from the day of the date of such notice, which notice shall recite the substance of such request; such notice shall be given ^{Notice of meeting.} within five days after the presentation of such request, by posting copies thereof, in at least six public places in such city, at least fifteen days before the day specified therein for such meetings, and by publishing the same in at least two newspapers published in such city, in each issue of such newspaper, previous to the day of such meetings; such request and notice shall be recorded in the record book of such city, and also proof by affidavit, of the posting and publication of such notice by the recorder of such city: *Provided*, That such city shall not, under ^{Proviso.} the provisions of this act, hold more than two meetings in any one year.

Sec. 3. At any such meeting or meetings, the tax-paying ^{Ballots; electors to vote by.} electors shall vote upon the propositions contained in such notice by ballot; such propositions shall be presented to such meeting or meetings, in the form of a resolution or resolutions, and those who favor the passage of such resolution or resolutions, shall deposit a ballot, upon which shall be written or printed, or partly written and partly printed, the words "Aid ^{Contents of.} to Railroad—Yes," and those who oppose the passage of the resolution or resolutions, shall deposit a ballot, upon which

Rules of
meeting.

Board of
inspectors.

Board of
registration
not required
to meet.

Bonds;
when coun-
cil may issue

Form of.

By whom
signed.

shall be written or printed, or partly written and partly printed, the words "Aid to Railroad—No." Any and all such meeting or meetings shall be governed, in all respects, by the laws pertaining to elections held in such city, so far as the same shall be applicable and not inconsistent with the provisions of this act, except that any meeting or meetings shall be held at one place, and not in the several wards of such city; and the mayor and recorder, and any two tax-paying electors of such city, to be chosen at such meeting or meetings, or a majority of them, shall constitute the board of inspectors of such election in any such meeting or meetings in such city; and the proceedings of any such meeting or meetings, and the result thereof, shall be signed by such officers holding the same, and filed with the recorder of such city, and shall also be by him entered in the records of such city, and be certified by him after such record, to be a true entry and record of such proceedings. No meeting of any board of registration shall be required to be held previous to any such meeting or meetings, and any registered tax-paying elector may vote at any such meeting or meetings.

Sec. 4. In case a two-thirds majority of all the votes cast at any such meeting shall be in favor of the propositions contained in such notice, as set forth in such resolution or resolutions, it shall be the duty of the common council of such city to issue the bonds of such city to such company, and to deliver the same to the president of such company, on his written request, whenever and as fast as said company shall be entitled to the same, according to the provisions of this act; such bonds shall be in such form, and of such denominations as shall be required by such company, and either with or without coupon interest notes attached, and the same shall be a legal charge upon the taxable property of such city, in the same manner as any other legal indebtedness of such city. Such bonds shall be signed by the recorder, and be countersigned by the mayor of such city, and be sealed with the seal of such city, and the

coupons attached to such bonds shall be signed by such recorder. The bonds and coupons attached shall be numbered and dated to correspond.

Sec. 5. In case such city shall determine to pledge its credit ^{Supervisor to assess necessary tax.} to aid in the construction of said railroad, it shall be the duty of the supervisor, or other assessing officer or officers thereof, to assess and levy all necessary taxes that may be required to meet and pay the interest and principal of any debt incurred under and by virtue of the provisions of this act, which shall be collected at the same time, and in the same manner as other city taxes are collected.

Sec. 6. No bonds or other evidence of indebtedness shall be ^{When bonds shall be delivered to company.} issued and delivered, nor interest allowed thereon by such city, to such company as in this act provided, until such company shall have completed its road-bed and ironed its road with the usual T rail, for at least ten continuous miles commencing at such city.

Sec. 7. Such city may, at any time after the expiration of ^{When vote may be reconsidered.} three years from the date of such vote, unless such railroad has been fully completed for the distance above specified, upon a notice as above specified, and by a majority of the electors present and voting, call a meeting of the electors and reconsider the vote by which such aid had been voted.

Sec. 8. The record of any of the proceedings required by ^{How records may be used as evidence.} this act, or a copy thereof, certified by the recorder of such city to be true copies, shall be *prima facie* evidence in all courts and places, of the matters therein contained.

Sec. 9. This act shall take immediate effect.

Approved April 2, 1869.

[No. 411.]

AN ACT to incorporate the city of Muskegon.

CITY BOUNDARIES.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That all the following tract and parcel of land situate in the county of Muskegon, and State of Michigan, described as follows, to wit: Commencing at the center of Muskegon lake or river, in township ten north, of range sixteen west, where the section line between sections sixteen and seventeen crosses said lake or river; running thence south on the section line to the south-east corner of section twenty-nine, in said township; thence west on the section line to Muskegon lake; thence north to the center of said lake; thence along the center of said lake to the middle of the bridge across said lake; thence east to the place of beginning, including all land in said boundaries, and the portion of said lake and river included therein, be and the same is hereby set off from the township of Muskegon, and declared to be a city, by the name of the city of Muskegon, by which name it shall hereafter be known.*

Body corporate and politic.

Sec. 2. The freemen of the said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and style of the city of Muskegon, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatsoever; and shall have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for said city.

WARD BOUNDARIES.

Wards.

Sec. 3. The said city shall be divided into three wards, as follows: The first ward shall embrace all that portion of said city lying north and east of the following division line, to wit:

Commencing at the south quarter post of section twenty-nine, ^{First.} in township number ten north, of range number sixteen west; thence north on the quarter line to the center of said section twenty-nine; thence west on the quarter line to the intersection of Pine street; thence along the center of Pine street to the center of Western avenue; thence along the center of Western avenue to the center of Ryerson creek; thence along the center and in the direction of said creek to the center of Muskegon lake. The second ward shall embrace all that portion of said ^{Second.} city lying south and west of the division above described, and north and east of the following division line, to wit: Commencing at the south-east corner of section thirty, in township number ten north, of range sixteen west; thence north along the section line to a point where a continuation of Fifth street would intersect the east line of said section thirty; thence north-easterly to and along the center of Fifth street to the center of Western avenue; thence directly to the line dividing the George R. Roberts and William H. Bigelow & Co. mill lots; thence along the dividing line between said mill lots to the center of Muskegon lake. The third ward shall embrace ^{Third.} all that portion of said city lying south and west of the division line last aforesaid.

OFFICERS, AND TERMS OF OFFICE.

Sec. 4. The officers of said city shall be one mayor, one re-^{Officers and terms of office.} corder, who shall be *ex officio* school inspector, one treasurer, who shall be *ex officio* collector, one marshal, two school inspectors, two directors of the poor, and four justices of the peace, who shall be designated "city" officers; also, two aldermen and one constable in each ward, who shall be designated "ward" officers. Said officers shall be elected as follows, to wit: the mayor, treasurer and marshal shall be elected annually, and shall hold their office for one year, and until their successors shall be elected and qualified. At the first annual elec-^{Recorder.} tion after the passage of this act, and at the annual election every two years thereafter, there shall be elected one recorder,

who shall hold his office for the term of two years, and until his successor shall be elected and qualified. There shall also be elected at said first annual election, one school inspector for one year, and one school inspector for two years; also, one director of the poor for one year, and one director of the poor for two years; and at each annual election thereafter, one school inspector and one director of the poor for the term of two years, and until their successors shall be elected and qualified.

School inspector. The justices of the peace elected in the township of Muskegon, and resident and holding office in said city at the time this act shall take effect, shall hold their offices in said city in the same manner as provided by law in the townships of this State. At the first annual election after this act shall take effect, there shall be elected such a number of justices of the peace as may be necessary to fill the vacancies then existing, or to become vacant by expiration of the term for which they were elected. At every annual election after the first, there shall be elected one justice of the peace, who shall hold his office for four years, and until his successor shall be elected and qualified. The said justices of the peace shall have like powers, and be subject to the same duties and liabilities as justices of the peace in the several townships of this State. There shall also be elected at the first annual election in said city, two aldermen for each of the several wards in said city, one of whom shall hold his office for the term of one year, and the other shall also be supervisor for his ward for the last year of his term of office, and who shall hold his office for the term of two years, and until his successor shall be elected and qualified. At each annual election after the first, there shall be elected in and for each of the several wards of said city, one alderman, who shall be supervisor in his ward for the last year of his term of office, and who shall hold his office for the term of two years, and until his successor shall be elected and qualified. There shall

Director of the poor.

Justices of the peace.

Aldermen.

Constables. also be elected at each annual election, one constable in each ward, who shall hold his office for the term of one year: Pro-

vided, That at the first election under this act, two aldermen ^{Proviso.} shall be elected in each ward, one for the term of one year, and one for the full term of two years, and until their successors shall be elected and qualified, and that the term for which said aldermen shall be elected at the first election, shall be designated on the ballots: *And provided further*, That the alderman ^{Ibid.} elected for one year, under the first election after the passage of this act, shall be the supervisor in and for his ward for that year.

ELECTIONS.

Sec. 5. The first annual election to be held under this act, ^{Election; when and where held.} shall be held in each of the several wards, on the first Monday of April, eighteen hundred and seventy, at the following places, to wit: In the first ward, at ward school-house number one; in the second ward, at Holt's hall; in the third ward, at ward school-house number three; and there shall be chosen in each ^{Inspectors and clerks of} of said wards at said election, by the electors present, two inspectors and a clerk of said election, each of whom shall take an oath or affirmation, to be administered by any person authorized to administer oaths, faithfully and honestly to discharge the duties of such inspector or clerk of said election; said inspectors and clerk shall conduct the same, and certify the result in the same manner as is herein required for subsequent elections to be held under this charter. The annual election after ^{Future elections.} the first under this act, shall be held on the first Monday of April in each year, at such places in the several wards as the common council may designate. Notice thereof shall be given ^{Notice of.} by the recorder, at least ten days before the election, by posting the same in three public places in each ward; the aldermen of ^{Inspectors and clerks of.} each ward shall be inspectors of such election, and of the State and county election, and shall choose the clerks thereof; and in case of the absence of one or more of such inspectors, the electors may choose, *viva voce*, from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath, by either of said inspectors, or

Manner of
conducting.

Proviso.

Council to
determine
who is
elected.

Proviso.

Tie; how
decided.

When office
deemed
vacant.

Ballots;
contents of.

by any justice of the peace. The manner of conducting all elections and canvassing votes, and the qualification of electors in the several wards, shall be the same as that of townships, the word "ward," instead of "township," being used in the oath to be administered to an elector, in case his vote shall be challenged: *Provided*, That at such charter election, the said ward inspectors shall make one certificate of the number of votes given for each person, for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for each ward, which certificates shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of such election, the common council shall meet at the office of the said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill their respective offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons so elected, of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office, before any person authorized to administer oaths, and shall deliver the same to said recorder, who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and cause it to be delivered to the county clerk of the proper county, in the same manner as is required of township clerks; and in case two or more persons shall receive for the same office an equal number and not a plurality of votes given at such election, the common council shall immediately proceed to determine by lot, between the persons receiving the highest number of votes, who shall be considered elected to such office. In case any of the officers elected shall neglect for a term of ten days to qualify, as aforesaid, the office shall thereby become vacant.

Sec. 6. The ballot to be used in the elections provided for in this act shall, in addition to the requirements of law in relation

to ballots used at township elections, and not inconsistent with the provisions of this act, also designate the name of the person or persons to be voted for for "city" officers, and the name of the person or persons to be voted for for "ward" officers.

Sec. 7. The qualifications of electors, the mode of conducting elections, the canvass, and return of the result thereof, shall be the same as provided by law in relation to townships, except so far as the same are inconsistent with the provisions of this act. Rules of election.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Sec. 8. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall, from time to time appoint; and, on special occasions, whenever the mayor, or in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate, then the recorder shall, by written notice, appoint, and which shall be served on the members in such manner and for such time as the common council may, by ordinance, direct. Common council; who to constitute

Sec. 9. The mayor, when present, shall preside at the meetings of the common council, and in his absence the recorder shall preside; but if both mayor and recorder be absent, then the common council shall appoint one of their number, who shall preside. Mayor to preside over.

Sec. 10. In the proceedings of the common council each member present shall have one vote, except the mayor and recorder; and the mayor or recorder, if presiding, shall have a casting vote when the votes of the other members are equally divided. Each member to have one vote.

Sec. 11. The sittings of the common council shall be public, except when the public interests shall in their opinion require secrecy. The minutes of the proceedings shall be kept by the recorder, and the same shall be open at all reasonable times to the public inspection. Sittings to be public.

Sec. 12. Whenever required by one member, the votes of all the members of the common council, in relation to any act, proceeding or proposition had at any meeting, shall be entered When votes shall be recorded.

at large on the minutes; and such votes shall be entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation of public money.

Quorum of. Sec. 13. A majority of the aldermen shall be a quorum for the transaction of business; but no tax or assessment shall be ordered, nor any appointment be made, except by a concurring vote of a majority of all the aldermen; and the common council shall prescribe the rules for its own proceedings.

Members of, not to become surety, or be interested in any contract. Sec. 14. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council; but this section shall not be construed to prevent the mayor or recorder from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman of any emolument or fees to which he may be entitled by virtue of his office.

To control finances, etc.

Sec. 15. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary, excepting as provided in this act; and further, they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem advisable, within said city, for the following purposes:

May pass laws relative to—

Vice.

Police.

Gaming houses.

First. To prevent vice and immorality; to preserve the public peace and good order; to regulate the police of the city; to prevent and quell riots, disturbances and disorderly assemblages;

Second. To restrain and prevent disorderly and gaming houses, and houses of ill-fame; all instruments and devices

used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Third. To forbid and prevent the vending or other disposal of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drank, any intoxicating liquors to any child or young person, without the consent of his or her parents or guardian, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

Fourth. To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money;

Fifth. To abate and remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler's shop, butcher's stall, soap-factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Sixth. To direct the location of all slaughter-houses, markets and buildings for storing gunpowder or other combustible and explosive substances;

Seventh. Concerning the buying, carrying, selling and using gunpowder, fire-crackers, or fire-works 'manufactured and prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards;

Eighth. To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever, and to regulate and provide for the anchorage, movement, shifting and removal of any and all

water-crafts being and lying in the Muskegon lake or river, or in front of or in any dock, wharf or slip in said city;

Routes and
grades of
railroads.

Ninth. To determine and designate the route and grades of any railroads to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city: *Provided*, Such designation or determination shall not affect the right or claim of any person for damages sustained in consequence of the building of such railroad:

Proviso.

Ibid.

Provided further, That no person or persons, or corporation, shall build any railroad track intended for the passage of locomotive engines, or run, or cause to be run, any locomotive engine, on any track, any part of which track shall be nearer than twenty rods to any part of any lot or block occupied for the purposes of the union school or schools of said city of Muskegon;

Bathing.

Tenth. To prohibit or regulate bathing in any public waters, or in any open or conspicuous place, or any indecent exposure of the person in the city;

Vagrants.

Eleventh. To restrain and punish drunkards, vagrants, mendicants, street-beggars, and persons soliciting alms or subscriptions for any purpose whatever;

Pounds.

Twelfth. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese, and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding;

Dogs.

Thirteenth. To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dog-fights in the streets;

Offensive
substances.

Fourteenth. To prohibit any person from bringing or depositing within the limits of said city any dead carcasses, or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his default, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city;

Fifteenth. To compel all persons to keep sidewalks in front ^{Sidewalks.} of premises owned or occupied by them, clear from snow, ice, dirt, wood or obstructions;

Sixteenth. To regulate the ringing of bells, and the crying of ^{Ring of bells.} goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Seventeenth. To appoint and prescribe the powers and duties ^{Watchmen.} of watchmen, and the fines and penalties for their delinquencies;

Eighteenth. To prohibit, restrain or regulate within such parts ^{Building lines.} of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing or placing of wooden buildings therein; to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line by line upon the owner or builder thereof, not to exceed five hundred dollars;

Nineteenth. To provide for obtaining, holding, regulating and ^{Burial of the dead.} managing burial grounds within or without the city, when established for the benefit thereof; to regulate the burial of the dead, and to compel the keeping and return of bills of mortality;

Twentieth. To prevent and punish horse-racing and immod- ^{Fast driving.} erate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street;

Twenty-first. To establish, order and regulate the markets; ^{Markets.} to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and to prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, ^{Unwhole- some meat.} fish, vegetables, or other articles of food or provisions, impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided,* ^{Proviso.} That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter, within the limits of the city;

- Reservoirs.** *Twenty-second.* To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; to authorize and empower, under such regulations and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water; to grant such exclusive privileges as they may deem expedient, to any company for that purpose, and to regulate the supply and use of the water;
- Sextons.** *Twenty-third.* To regulate sextons and undertakers for burying the dead; cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation; and to make regulations for preventing auctions, peddling, pawnbrokerage, or using for hire, carts, drays, cabs, hacks, or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon, or other house or place for furnishing meals, food or drink, or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles
- Peddling.** kept or used for hire; auctioneers, peddlers, pawn-brokers,
- Taverns.** auctions, peddling, pawn-brokerage, taverns, hotels, victualing houses, saloons, and other houses or places for furnishing meals, food or drink, and keepers of billiard tables and ball alleys, not
- Proviso.** used for gaming: *Provided,* That no such license shall authorize the sale of any spirituous or malt liquors;
- Runners, etc.** *Twenty-fourth.* To prevent runners, stage drivers and others, from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel, or otherwise;
- Lighting of streets.** *Twenty-fifth.* To make regulations for the lighting of the streets and alleys, and the protection and safety of public lamps;
- Numbering buildings.** *Twenty-sixth.* To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

Twenty-seventh. To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Duties of officers.

Twenty-eighth. To preserve the salubrity of the waters of Muskegon lake and river, or other waters within the limits of the city; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of the said river, within the limits of the city; to prohibit and prevent the depositing or keeping therein any structures, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, enclosing and mooring of vessels, and laying out of cargoes and ballast from the same; to fill up all low grounds or lots covered, or partially covered with water, or to drain the same, as they may deem expedient; to regulate the cutting of ice in Muskegon lake;

Water in river.

Twenty-ninth. To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city;

Stands for carriages.

Thirtieth. To provide for taking the census of the inhabitants of said city, whenever they may see fit, and to direct and regulate the same;

Census.

Thirty-first. To establish a grade for streets and sidewalks, and cause the sidewalks to be constructed in accordance with the same;

Grades of streets.

Thirty-second. To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures; and all the laws of this State in relation to the seal-

Weights and measures.

ing weights and measures shall apply to said city, except as herein otherwise provided;

Dock lines. *Thirty-third.* To prescribe the lines upon which docks shall be built in Muskegon river and lake, and beyond which they shall not extend, and to enforce the same by fine not exceeding five hundred dollars, and to regulate such docks, and to compel the owners or occupants thereof to keep the same in repair;

Public wharves. *Thirty-fourth.* To erect, repair and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to lease the wharves and wharfing privileges at the ends of streets on the Muskegon river and lake in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance, as the common council may direct, and may determine what buildings may be erected thereon; no lease thereof shall be executed for a longer period than ten years, and a free passage at all times shall be secured for all persons, with their baggage, over said public wharves.

Council to appoint city attorney and other officers

Sec. 16. The common council shall, on or before the first day of May in each year, appoint one city attorney, one city surveyor, one chief engineer of the fire department, and one city harbor master; also, so many police constables, pound-masters, inspectors of fire-wood, sealers of weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted, and as the common council may from time to time direct, who shall hold their several offices during the pleasure of the common council.

Boundaries of streets.

Sec. 17. The common council may ascertain, establish and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act, in relation to highways, the prevention of fires, the preservation of the public health, the levying of taxes, the supplying the city with water, and all other subjects of municipal regulations herein expressly provided for.

Sec. 18. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty not exceeding one hundred dollars, (unless a greater penalty be herein otherwise provided,) for a violation thereof, or that the offender be imprisoned in the county jail or Detroit House of Correction for a term not exceeding ninety days; or the common council may, in such by-law or ordinance, direct that the offender shall be punished by fine or imprisonment, (within the limits aforesaid,) in the discretion of the justice who shall try the offender.

Fines and penalties.

Sec. 19. No ordinance of the common council, imposing a fine or imprisonment, shall take effect until the same shall have been published for two weeks successively in a newspaper published in said city.

When any ordinance shall take effect.

Sec. 20. A record or entry made by the recorder of said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence, in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto, either—

How record may be used in evidence.

First. From a copy certified by the recorder of the city of *First.* Munkegon; or,

Second. From the volume of ordinances purporting to be printed by the authority of the common council.

Second.

Sec. 21. The common council shall have power, whenever in their opinion, the necessities of the city require, to construct a city alms-house, city hall, city market or markets, and city slaughter house, and appoint the keepers or clerks and necessary officers thereof, and may locate such city alms-house and city slaughter house within or without the city limits, and may make such regulations in regard to the same, as the common council may think proper.

Council authorized to construct almshouse, etc

Sec. 22. The common council shall, in the month of March, in each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which state-

Annual statement.

ment shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and filed in the recorder's office, and a copy thereof shall be published in a newspaper printed in said city, for at least two weeks.

Council to make by-laws relative to duties of officers, etc.

Sec. 23. The common council shall have authority to make all by-laws and ordinances, relative to the powers, duties and compensation of the officers of said corporation, subject to the restriction as to the compensation of officers mentioned in this act, to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city, and to make all such other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to provide for the safety and good government of the city, and preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for any violation of the by-laws and ordinances which may be made by them, as aforesaid.

To perform same duties as township boards.

Sec. 24. The common council of said city is hereby authorized and required to perform the same duties, in and for said city, as are by law imposed upon township boards of the several townships of this State in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, justices of the peace, recorder, school inspectors, directors of the poor, and all other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties, in the same manner, receive the same pay, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the common council.

Officers of city to give bonds.

Sec. 25. The common council may at any time require an officer, whether elected or appointed, to execute and file with the recorder of the city new official bonds in the same or such further sums, and with new or such further sureties, as said council may deem requisite for the interest of the corporation.

Council to require new bonds of officers.

Sec. 26. The common council may expel or remove from office any of its own members, or any other officer holding office by election, except the mayor and recorder, for contempt or willful malfeasance or misfeasance in office, or willful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect, and in such case, the reason for expulsion or removal shall be entered on the records of the common council, with the name and votes of the members voting on the question; no officer holding office by election shall be expelled or removed by said council, unless furnished with a copy of charges in writing, and allowed to be heard in his defense, with aid of counsel; and for the purpose thereof, the common council shall have power to issue subpoenas to compel the attendance of witnesses and the production of papers, when necessary, and shall proceed within ten days after service of a copy of the charges, to hear and determine upon the merits of the case; if such officer shall neglect to appear and answer such charges, his default may be deemed good cause for removal from office.

Power of, to remove its members.

Privileges of elected officers.

Sec. 27. The common council shall be judges of the election and the qualification of its own members, and shall have the power to determine contested elections, to compel the attendance of absent members, to determine the rules of its own proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, and not inconsistent with the provisions of this act.

Council to be judges of the election of its members.

Sec. 28. All appointments to office shall be made, and all assignments to be ordered, by a majority vote of all aldermen elected, and removals from office shall be made by the like vote, except in cases where, by this act, a different vote may be required.

Majority vote of, necessary to appoint officers, etc.

Style of ordinances.

Sec. 29. The style of all ordinances of the common council shall be: "The common council of the city of Muskegon hereby ordain;" and all process made for the enforcement of any ordinance or by-law of said city, shall be: "In the name of the people of the State of Michigan."

Council to determine am't of tax to be raised.

Sec. 30. The common council of said city shall, on or before the first day of June, in each year, determine the amount necessary to be raised in said city for such year for highway purposes, not exceeding the amount specified in this act, and shall provide for the levying, assessing, collecting and expending the same, in the same manner as provided by the general laws relating to townships of this State; and the said common council are hereby vested with the same power and authority as are commissioners of highways of this State, by the laws thereof, not inconsistent with the provisions of this act.

To regulate time of working on streets.

Sec. 31. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, planking or paving and railing the sidewalks, and to prescribe the width thereof; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to lay out, open, make, grade and repair streets, lanes and alleys, and the same to alter and vacate, and to alter and vacate those already laid out. If, in laying out or altering any street, lane or highway, the common council shall require for such purpose the ground of any person, they shall give notice thereof to the owner or person interested, or his or their agent or representative, by personal service, or by written notice, posted in three of the most public places in said city, at least three weeks next preceding the meeting of the common council for the purposes aforesaid; and the common council are authorized to treat with such person or persons for the ground and premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the mayor or recorder of said city to issue a *venire facias*, to command the marshal of said city to summon and return a

Proceedings when private property is taken.

Notice to owner.

Summoning of jury.

jury of twelve disinterested freeholders, residents of said city, to appear before said mayor or recorder, at a time therein to be stated, to inquire into and determine the just compensation to be paid therefor to the owner or owners of, or parties interested in said ground or premises; which jury, being first duly sworn by said mayor or recorder, faithfully and impartially to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners, or the parties interested in such ground and premises, for their respective injuries, according to the several interests or estates therein; and said mayor or recorder shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered, before such street, lane or alley shall be made, laid out, altered or opened, to the claimant or claimants thereof; it shall thereupon be lawful for said common council to cause such ground to be occupied for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so to do, to said mayor or recorder, in writing, within ten days; or, in case of the absence of said party from said city, at the time of rendering of said judgment, then within thirty days after the verdict of such jury and the judgment of such mayor or recorder as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said mayor or recorder, within forty days after the verdict and judgment aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, and also upon making and filing with the recorder of said city a bond with sufficient sureties, to be approved by the mayor or recorder, conditioned for the payment to said city of all costs that said city may sustain in case the final judgment for damages on such appeal shall not exceed the

Jury to
award
damages.

Compensat'n
tendered to
owner.

Proviso.

damages assessed before said mayor or recorder at least ten dollars, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the mayor or recorder at least ten dollars, then the party appealing shall pay all costs occasioned by such appeal: *Provided further*, Such appeal shall not delay the opening of any street laid out by the common council as provided in this section.

Council to assess expenses of grading, etc., ag't owners of lots. Sec. 32. The common council shall have the power to cause the expenses of opening new streets, of making, grading, paving, or planking streets or sidewalks, of making drains and sewers, and other local improvements, to be assessed against the owners of the lots or premises which are in front of or adjoining such improvements, or by a general tax, or partly by general tax and partly assessed against the owners of lots or premises, as aforesaid, as they may deem just and proper; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, as [and] they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold to pay for such improvements.

To dispose of all fines. Sec. 33. All moneys received by said city for fines, penalties and forfeitures, shall be disposed of as the common council may direct, who shall have power to remit any fines or penalties which are imposed by this act.

To assess taxes on all real estate. Sec. 34. The common council shall have authority to assess, levy and collect taxes on all the real and personal estate taxable in said city, excepting such as is by law exempt from taxation: *Provided*, That they shall not raise by general tax more than three thousand dollars in any one year, exclusive of school taxes and taxes for highway purposes, unless authorized thereto by a vote of the electors of said city, when convened for that purpose pursuant to previous notice.

Rules for assessment and collection of all taxes. Sec. 35. All State, county, and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as

is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale, and redemption of real estate for the non-payment of taxes, shall be in conformity with proceedings for the return, sale, and redemption of real estate by township officers.

Sec. 36. Whenever the common council shall deem it necessary to raise a greater sum in any one year than three thousand dollars, exclusive of taxes for school and highway purposes, they shall give at least five days' notice in writing, to be posted up in five public places in said city, which notice shall state the time and place of such meeting, and shall specify the object and purpose for which the money proposed to be raised shall be expended; and when such meeting shall be assembled, in pursuance of said notice, such electors, by a *viva voce* vote, or by ballot, shall determine the amount of money which shall be raised for each object specified in the notice: *Provided, That* such tax shall not in any one year exceed two per centum upon the valuation of the real and personal estate taxable within said city: *And provided also, That* not more than two such meetings shall be held in any one year, to determine the amount of tax to be raised; and at all such meetings the mayor, or in his absence, the recorder, shall preside.

Sec. 37. Whenever the common council shall be authorized by a vote of the electors of said city, to raise a tax for any specific purpose, it shall be lawful for the common council to apportion such tax upon the property of said city, in the manner provided in section thirty-nine of this act, and shall place the tax in a separate column of the assessment roll of the proper ward, and said tax shall be collected as provided in this act.

Sec. 38. The common council may, by ordinance, provide for the collection of taxes and assessments necessary to be raised, other than such as may be raised as provided in section thirty-five, and for such amounts and purposes as are not inconsistent with the provisions of this act and the laws of this State, and the same shall be assessed and collected in the manner provided in this act for the assessing and collecting other taxes.

To determine
amount of
tax to be
raised in any
year.

Sec. 39. It shall be the duty of the common council of said city, on or before the last Saturday of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year, other than highway purposes, and to apportion the same so to be raised among the several wards of said city, according to the valuation of the property appearing upon the assessment rolls of said several wards for such year, as equalized by the board of supervisors of Muskegon county for such year; and within five days thereafter the recorder shall notify each of the aldermen acting as the supervisors of the several wards of said city, of the amount so apportioned to their respective wards; and it is hereby made the duty of the alderman acting as the supervisor of each of the several wards of said city, to levy the same so apportioned to his respective ward, and such other taxes as may be required by law, upon the taxable property of such ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Aldermen to
levy and ap-
portion ward
taxes.

Taxes to be
a lien on
property.

Sec. 40. The taxes so levied for city purposes, shall be and remain a lien upon the property on which the same was levied, in the same cases, to the same extent, and in like manner as the taxes required by law to be levied on property in the several townships of this State are liens upon such property; and all provisions of law respecting the making of assessment rolls, and the warrants attached thereto, and the collection, the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the collection, return, and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

Proceedings
when bonds
are to be
issued.

Notice of
meeting.

Sec. 41. Whenever the common council shall deem it necessary to issue the bonds of the city for any purpose, they shall call a meeting of the electors thereof, by posting notice in five of the most conspicuous places of said city, at least eight days previous to the time of said meeting, giving notice of the time and place of such meeting, also specifying the amount of, and

the object for which it is proposed to issue said bonds; the mayor, or in his absence, the recorder, shall preside at such meeting; and the electors present shall choose, *viva voce*, from among their number, the inspectors and clerk of said election, ^{Inspectors and clerk of election.} who shall, before proceeding to the discharge of their duties, take an oath or affirmation faithfully to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths; said election shall be conducted in the same manner, ^{Manner of conducting election.} and the canvass of votes, as near as may be, as other elections under this act. At the close of such election, the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk of the county of Muskegon: *Provided*, That not more than one such meeting shall be ^{Certificate of votes.} called in any one year. ^{Proviso.}

Sec. 42. Whenever the common council shall be authorized by a vote of the electors as aforesaid, they may issue the bonds of said city for the amount, as aforesaid, and provide for the payment of the principal and interest thereon; and for this purpose shall annually levy, assess and collect on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose, not to exceed in amount a sufficient sum to pay the interest accrued or to accrue, and the principal becoming due on said bonds, for the year for which said taxes are levied: *Provided*, That nothing contained in this act shall be construed so as to authorize the electors to vote, nor the common council to issue the bonds of said city for any amount whatever in aid of the construction of any railroad, or any other public or private improvement, nor for any other purpose, except for the legitimate municipal expenditures within said city. ^{Council; when authorized to issue bonds.} ^{To levy taxes.} ^{Proviso.}

Sec. 43. The common council shall have power to assess and collect from every male inhabitant of said city, over the age of twenty-one and under the age of fifty years, (except paupers, ^{Poll tax.}

idiots and lunatics, and other persons who are by law exempt,) an annual capitation or poll tax not exceeding one dollar, and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll tax, may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax, or labor in lieu thereof, shall be expended or performed under the direction of the common council.

Sec. 44. Each alderman, acting as the supervisor of said city, shall, in each and every year, make out and complete the assessment of all the real and personal property within their respective wards in the same manner, and within the same time as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of supervisors of the several townships of this State performing like services; and in all other respects within their respective wards, they shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property, the levying of taxes, and the issuing of warrants for the collection and return thereof, and they shall also, on or before the first day of December in each year, make and deposit with the recorder of said city, a true and certified copy of the assessment rolls of their respective wards for such year. The aldermen aforesaid shall be members of the board of supervisors of the county of Muskegon, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and shall perform, as supervisors, such other duties as by this act shall be required of them.

Sec. 45. It shall be the duty of each of the supervisors of the several wards of said city, on the completion of the assessment rolls of their respective wards, to give public notice, by posting up a written or printed notice in three public places in

Proviso.

Ward assessment rolls; who to make.

Aldermen to conform to laws governing township supervisors.

To deposit with recorder certified copies of roll.

Compensation of.

Notice of time for reviewing.

each ward, that the said rolls are completed and that the same will be subject to examination for the term of five days from the date of such notice; such notice shall specify a day on which such supervisor will be personally present at some convenient place in said city, designating such place, for the purpose of reviewing his assessment; and on the request of any person considering himself aggrieved, on sufficient cause being shown to the satisfaction of the supervisor, he may alter the same, as to the valuation thereof.

Sec. 46. No general or special tax, assessed in said city, upon any property therein, shall be held illegal or invalid for want of any matter of form in any matter or thing not affecting the merits of the case, and which shall not injure or prejudice the rights of the party assessed; and all taxes assessed in said city shall be presumed to be legally assessed, until the contrary is affirmatively shown; and no such presumption shall be rebutted, or any sale for taxes assessed in said city rendered invalid by showing that any paper, certificate, return, or affidavit required to be made and filed in any office, is not to be found in the office where the same ought to be filed or found, but, until the contrary is proven, the presumption shall be, in all such cases, that such paper, certificate, return, or affidavit was made and filed in the proper office.

Sec. 47. The recorder shall, immediately on the receipt of the several tax rolls of the respective wards, deliver the same, with the warrants thereto attached, to the city treasurer: *Provided*, Security has been given by such city treasurer, as required by law, or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and within the time required, the common council shall immediately appoint some suitable person, who shall give the required security, to collect such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doing thereon, in the same manner, and shall have all the power, and shall perform all the duties, and be subject to the same liabilities

Corrections
in roll.

Want of
form not to
invalidate
tax;

Failure to
find papers
on file, not
to injure tax.

Recorder to
deliver rolls
to treasurer.
Pro-Provido.

Proceedings
when proper
security is
not given by
treasurer.

ties as is in this act conferred upon the city treasurer of said city, for the purpose of the collection and return, and paying over said taxes.

ALDERMEN.

Aldermen;
powers and
duties of.

To act on
committees.

To report
officers for
neglect of
duty.

Sec. 48. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating all laws of this State, or the ordinances, by-laws or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

MAYOR AND RECORDER.

Mayor to
see that city
laws are ex-
ecuted.

Sec. 49. The mayor shall be chief executive officer of the city of Muskegon, and conservator of its peace. It shall be his duty to see that the officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council, be faithfully observed and executed; and he shall have power, in his discretion, to report to the common council any violation thereof. He shall, from time to time, give to the common council such information, and recommend such measures as he shall deem necessary and expedient.

May take ac-
knowledgm't
of deeds.

Sec. 50. The mayor shall, by virtue of his office, be authorized to take the acknowledgment of deeds, and other instruments in writing, to administer oaths and affirmations, and may affix to any official certificate the seal of the city.

Recorder to
be mayor
pro tem.

Sec. 51. The recorder shall possess the same powers, and perform and discharge the municipal duties of mayor, during the absence or inability, death, resignation or removal of the mayor.

To give
bonds.

Sec. 52. The recorder shall be clerk of the common council, and shall give bonds for the faithful performance of his duties,

in such sums as the common council shall by ordinance direct, and shall keep a record of their proceedings, in proper books provided therefor, and shall open and keep books of account, and such other books of receipts and expenditures as the common council may direct, and in such form and manner as they may order. He shall perform for the city all such duties as township clerks are required by law to perform for the several townships, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State.

To perform duties of township clerk.

Sec. 53. No bond, note, or other obligation or evidence of indebtedness of said corporation, except orders on the treasurer, as hereinafter provided, shall ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money, unless the same shall have been duly authorized by the laws of this State, and shall have been submitted to, and voted for by the electors of said city, in conformity to this act; but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, payable on the first day of February next thereafter, but such orders shall not in the aggregate, in any one year, exceed the aggregate of taxes levied to pay the same in such year. All moneys received for the use of said city, shall be paid into the city treasury; and no money shall be drawn from the treasury unless it shall have been previously appropriated by the common council to the purpose for which it shall be drawn, except school moneys drawn upon lawful authority, and the treasurer shall pay out no money, except as above stated, but upon the written warrant of the mayor and recorder.

When bonds may be issued.

Council to allow just claims ag't city.

All moneys to be paid into treasury

Sec. 54. The chairman of any committee, or special committee of the common council, shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee.

Chairman of any committee authorized to administer oaths.

Sec. 55. All process issued against said city shall run against said city in the corporate name thereof, and such process shall

Process; how served.

be served by leaving a true and attested copy of the same with the mayor or recorder, at least ten days before the day of appearance mentioned therein.

Recorder
to report
officers not
giving bond.

Sec. 56. The recorder shall report to the common council the names of such officers as shall have neglected to give the bond or security required by the provisions of this act.

Recorder
to keep
bonds.

Sec. 57. All official bonds of said city, except as herein otherwise provided, shall be deposited with the recorder of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office.

All fines, etc.
to be paid
into city
treasury.

Justices
to make re-
port to coun-
cil.

Sec. 58. All fines, penalties, or forfeitures recovered before any of said justices for violation of the ordinances of said city, shall, when collected, be paid into the city treasury; and each of said justices shall report, on oath, to the common council, at the first regular meeting thereof in each month, during the term for which they shall perform the duties of such justice, the number and name of any person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for or on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into the said city treasury, on the first Monday in each and every month during the time such justice shall exercise the duties of said office; and for any neglect in this particular, he may be suspended or removed, as hereinafter provided.

When circuit
court may
suspend any
justice.

Sec. 59. Any justice of the peace of said city may be suspended or removed from his said office by the circuit court for the county of Muskegon, for neglect or refusal to pay over, as required by him, any moneys by him collected for or on account of any fine, penalty or forfeiture, or the unfaithful or insufficient performance of his duties in relation to the internal police of the State, or for any official misconduct, on charges specially preferred by said common council of said city, or by any member or officer thereof, or by three electors of said city, founded on affidavit, filed in said circuit court, specially stating

the charges complained of; a copy whereof shall be served upon him in such manner as the circuit court shall direct, and opportunity shall be given him to be heard in his defense.

Sec. 60. In addition to the security now required by law to ^{Justices} be given by justices of the peace, each of the justices of the ^{to execute} peace shall, before entering upon the duties of his office, execute a bond to the city of Muskegon, with one or more sufficient sureties, to be approved by the mayor and recorder of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report, as in this act is required, which bond shall be filed in the office of the treasurer of said city.

Sec. 61. It shall be the duty of each of the justices of the ^{To return} peace aforesaid, who may recover or obtain possession of any ^{stolen prop-} stolen property, on his receiving satisfactory proof of property ^{erty to own-} from the owner thereof, to order a return thereof to such owner, on his paying all necessary and reasonable expenses which may have been incurred in the recovery, preservation or sustenance of such property, and the expense of advertising the same, unless the prosecuting attorney of said county shall otherwise direct.

Sec. 62. It shall be the duty of each justice of the peace ^{To sell un-} aforesaid, to cause all property unclaimed after the expiration of ^{claimed} the notice specified in the next succeeding section of this act, ^{property at} money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Muskegon shall direct that it shall remain unsold for a longer period, to be used in evidence in the administration of justice, and the proceeds forthwith to pay to the treasurer of said Muskegon city, together with all moneys, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said sale.

To account
to council
for unclaimed
property.

Proviso.

All dockets
and office
books to be
subject to
inspection.

Power of cir-
cuit court to
enforce the
showing of
books, etc.

City
attorney;
duties of.

Sec. 63. It shall be the duty of each justice of the peace, at the first regular meeting of the common council in each of the months of August, November, February, and May, in every year, to account, on oath, before the common council, for all such moneys, goods, wares, and merchandise seized as stolen property, as then shall remain unclaimed in the office of either of said justices of the peace; and immediately thereafter to give notice four weeks, by posting up notices in three public places in said city, or publishing the same in a newspaper published in said county of Muskegon, to all persons interested or claiming such property: *Provided always*, That if any goods, wares, and merchandise, or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the office of said justice, it shall be lawful for such justice to sell the same at public action, at such time and after such notice as to him and said common council shall seem proper.

Sec. 64. All dockets and office books kept by the justice of the peace and recorder, shall be subject to inspection and examination by the common council at all times, or any member or officer thereof; and it shall be the duty of said justices of the peace and recorder to produce such docket and books at all times, whenever and wherever the said common council shall require or direct; and if they shall neglect or refuse to produce such docket or office books, as directed and required, the circuit judge of the circuit court for the county of Muskegon may, on a proper application to him for the purpose, make an order requiring the same to be produced, and enforce obedience thereto.

CITY ATTORNEY.

Sec. 65. The city attorney shall appear and conduct all suits, prosecutions and proceedings in the recorder's court, in which the city of Muskegon is a party, to the end thereof, subject to the rules and practice of said court, and if the same be removed to any other tribunal, by writ of error, habeas corpus, or other-

wise, he shall conduct the case before such tribunal, and shall perform such other duties as the common council may require.

STREET COMMISSIONER.

Sec. 66. The street commissioner shall, under the direction Street commissioner. of the common council, superintend the making, grading, paving or planking, repairing and opening of all streets, lanes, alleys, bridges, sidewalks, drains and sewers, within the limits of the city, in such manner as he may from time to time be required; and before entering upon the discharge of his duties, Oath of. and within ten days from the notice of his appointment, shall take the oath of office, and give such security for the faithful discharge of his duties as the common council shall direct and require.

CITY TREASURER.

Sec. 67. The treasurer of the city shall be, by virtue of his City treasurer to be collector of taxes. office, the collector of all taxes and assessments, both general and special, levied and made therein, and for that purpose, within ten days after his election, he shall give bonds to the To give bond city, in such sums and with such surety or sureties as the common council shall require and approve; and he shall also give to the treasurer of the county of Muskegon, such further security as is or may hereafter be required by law of the several township treasurers of this State; and for the purpose of collection and return of all such taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer, on giving the bonds or surety as required, shall possess all the To have all powers of township treasurer. powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as the common council shall require.

Sec. 68. All moneys drawn from the treasurer shall be drawn Money; how drawn from treasury. in pursuance of an order of the common council, by warrant signed by the recorder and countersigned by the mayor. Such warrant shall specify for what purpose the amount named therein is to be paid, and the treasurer shall keep an accurate

Treasurer to
keep acc't of
warrants
paid.

account, under appropriate heads, of all the warrants paid by him, and his books shall be open to the inspection of any elector of the city, at all reasonable hours. The treasurer shall exhibit to the common council, at their last regular meeting in the month of March, and at such other times as the common council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found correct shall be filed.

MARSHAL.

Marshal; to
give security

To be chief
of police.

May appoint
deputies.

Sec. 69. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties, as the common council shall direct and require; and he shall be chief of police, and it shall be his duty to serve all processes that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced, and especially those which may be passed to carry into effect the powers granted by section fifteen of this act. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables, and all other persons in discharge of the duties imposed upon him by law; he may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers, and perform the same duties as the marshal, and for whose official acts he shall in all respects be responsible; and the marshal and his deputies shall have the same powers to serve and execute processes in behalf of the corporation of said city, as sheriffs and constables have by law to execute similar processes.

DIRECTORS OF THE POOR.

Directors of
the poor.

Sec. 70. The directors of the poor of said city shall discharge the duties of overseers of the poor therein, and as such shall have the custody of all paupers residing therein excepting

county paupers, and shall also have the exclusive custody and disbursement of all moneys raised in said city for the support of paupers therein excepting moneys raised for the support of county paupers. Before entering upon the discharge of their offices, they shall give such bonds as the common council shall direct. The directors of the poor shall have the custody of the alms-house, and all other property built or used by said city for the support of the paupers therein.

CONSTABLES.

Sec. 71. The constables of said city shall have and receive Constables; fees of. the same fees, and have the like powers and authority as is conferred by law upon constables in the several towns of the State, and shall give like security, as such constables.

GENERAL PROVISIONS RESPECTING OFFICERS.

Sec. 72. All other officers, whose duties are not herein expressly prescribed, and which the common council are herein Council to prescribe duties of certain officers. authorized to appoint, shall perform such duties, and give such security as the common council may require; and all officers appointed by the common council, or who shall have the control or management of any of the money or property of the city, may be required to give such security as the common council may prescribe and approve, and in default thereof, the common council may declare their office vacant.

RESIGNATIONS AND VACANCIES.

Sec. 73. Resignation by any officer, authorized to be chosen Resignations; to whom made. or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Sec. 74. In case any vacancy shall occur in any of the offices Vacancies; how filled. in this act declared to be elective or appointive, except alderman, and justice of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person, who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy, if the

office is elective, shall hold, by virtue of such appointment, only until the tenth day after the election next succeeding, or until his successor is elected and qualified; if an elective office, which shall have become vacant, was of that class whose term of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Council to
give notice
of special
election.

Sec. 75. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election in the ward where such officer is to be chosen, a notice, signed by the recorder, specifying the officer to be chosen, and the day and place at which such election is to be held, and the proceedings of such election shall be the same as at the annual city election.

COMPENSATION OF OFFICERS.

Compensat'n
of officers.

Sec. 76. The officers of said corporation shall be entitled to receive out of the city treasury the following sums, in full payment for their services: The mayor shall not be entitled to receive any compensation. The recorder and attorney shall be entitled to receive respectively such sums as the common council may allow, not exceeding five hundred dollars per annum. The marshal shall be entitled to receive the same fees for serving process in behalf of the corporation, as constables are allowed for similar services; and he shall also receive such further compensation, not exceeding twenty-five dollars per annum, as the common council shall allow. The treasurer, justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided. The street commissioner shall be entitled to receive one dollar and fifty cents per day for his services, and at the same rate for parts of days actually employed. The directors of the poor and school inspectors shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day, for every day actually employed in the performance of the duties of their respective offices. The alder-

men not acting as supervisors, shall not be allowed to receive more than one hundred dollars each, in any year, as compensation for their services.

Sec. 77. The said aldermen, acting as and being the supervisors of said city, as above provided, shall receive as compensation for their services while actually employed in their duty as assessors in their respective wards, the same sum per day as supervisors or assessors performing like duties in townships are or may be hereafter allowed by law, which compensation shall be audited and paid by the common council of said city, by the vote and resolution of said common council, in which the said alderman so claiming (as supervisor) compensation, shall not be allowed to vote.

Sec. 78. The accounts and demands of aldermen, (as supervisors,) and also all other persons against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of said common council.

Sec. 79. For the collection of all taxes, the city treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as shall be prescribed by the common council, not exceeding three per centum upon the sum to be collected, which sum shall be added in the computation of taxes, on said tax roll, of the respective wards of said city.

COMPETENCY OF OFFICERS, JURORS AND WITNESSES.

Sec. 80. No person shall be an incompetent judge, justice of the peace or other officer, witness or juror, by reason of his being an inhabitant or freeholder in Muskegon city, in any prosecution or proceedings in the recorder's court, in any action or proceeding in which the corporation shall be a party in interest, or in any judicial or other proceedings: *Provided*, Such interest is no greater than is common to the citizens of said city.

Sec. 81. In all suits in which the corporation of the city of Muskegon shall be a party, or shall be interested, no inhabitant

of said city shall be deemed incompetent as a witness or a juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

Who eligible
to office.

Sec. 82. No person shall be elected or appointed to any office created by this act, who is now or may hereafter be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or any county or township thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for thirty days after demand made, to account for and to pay over to the person authorized to receive the same, any public money or papers pertaining to his office, which may have come into his possession; if any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Amendm'ts

Sec. 83. The Legislature may, at any time, alter or amend this act.

Persons not
to acquire
title by lapse
of time.

Sec. 84. No person shall be deemed to have gained any title, as against the city, by lapse of time, to any street, lane, alley, common, or public square heretofore laid out or platted by the proprietor or proprietors of said city, or any part thereof, by reason of any encroachment or enclosure of the same.

PREVENTION AND EXTINGUISHMENT OF FIRES.

Council to
regulate the
erection of
buildings.

Sec. 85. For the purpose of guarding against the calamities of fires, the common council may from time to time, by ordinance, designate such portions and parts of said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

Sec. 86. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roof of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

May require scuttles, ladders, etc., to be kept.

Sec. 87. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the clearing of chimneys, flues, stove-pipes, and all other conductors of smoke; and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having therein any chimneys, flues, stove-pipes, or other conductors of smoke, to clean the same, as shall have been directed by such ordinance, the common council may cause the same to be cleaned, and may collect the expense thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleaned.

To regulate the cleaning of chimneys, stove-pipes, etc.

Sec. 88. The common council may regulate the use of lights and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings, and may regulate the transporting, keeping and deposit of gunpowder or other dangerous or combustible materials, and may prevent or regulate the carrying on of manufactories dangerous in causing or promoting fires, and may authorize and direct the removal of any hearth, fire-place, stove-pipe, flue, chimney, or other conductor of smoke, or any other apparatus or device in which any fire may be used, or to which fire may be applied, that shall be considered dangerous, and liable to cause and promote fires, and generally may adopt such other regulations

To regulate the use of lights and candles.

Carrying of gunpowder.

for the prevention and suppression of fires as they may deem necessary.

To authorize persons to examine dwellings, fire-places, etc.

Sec. 89. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times to enter into and examine all dwelling houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in safe condition, and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the situation of any building in respect to its exposure to fire, and whether any scuttles and ladders thereto have been provided, and generally, with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

To establish fire companies.

Sec. 90. The common council may also establish, maintain, and regulate all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire-engines, and other implements and instruments necessary to be used in extinguishing fires, and may provide suitable engine houses for such companies, and may appoint from among the inhabitants of said city such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members, as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire-engine, hose, hooks, ladders, and other instruments and implements in its charge, in good and perfect repair; and it

Firemen to make their own laws.

shall be the duty of each fire company to assemble at least ^{When to meet.} once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements in its charge, with a view to the keeping the same in perfect order and repair; and upon ^{Duties of, at fires.} any alarm or breaking out of any fire in said city, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer or other person for the time being lawfully acting as chief engineer of the fire department.

Sec. 91. Upon the breaking out of any fire in said city, the ^{Marshal to be in attendance at fires.} marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, and for that purpose act as chief of police; and in pursuance of his duties, the mar- ^{To obey orders of mayor.} shal shall be in all respects obedient to the mayor, aldermen and fire wardens, or either of them, or such of them as may be present at such fire; and the mayor, or any alderman may require the assistance of all bystanders in extinguishing such fire, and in the removal, preservation and protection of all property endangered thereby; and in case any bystander shall ^{May compel aid from bystanders.} willfully neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws in relation thereto as they may deem necessary.

Sec. 92. Whenever any person shall refuse to obey any law- ^{When citi- zens may be arrested.} ful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be fawful for the officer giving such order to arrest, or to direct orally any constable, watchman, or any citizen to arrest such person and confine him temporarily in a safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly.

Firemen to
elect chief
engineer.

Sec. 93. The firemen of said city shall annually elect one of their own number to be chief engineer, who shall have command of the whole fire department of the city. They shall, also, at the same time, elect assistant engineers from their number, and shall appoint a fire warden for each ward of the city, whose powers, duties and compensation shall be prescribed by the common council, and they shall also appoint a city watch of one or more persons, not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the city, their duties and compensation, when in actual service, to be prescribed by the common council.

Appoint fire
wardens and
city watch.

Firemen to
be exempt
from poll tax
and jury ser-
vice.

Sec. 94. Every person belonging to an organized fire company in said city, may obtain from the city recorder a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries and from paying a poll tax in said city.

Council to
provide for
injured fire-
men.

Sec. 95. The common council may provide suitable compensation for any injury that any fireman may receive to his person or property, in consequence of the performance of his duties at any fire.

Power of
chief engi-
neer to pull
down build-
ings.

Sec. 96. Whenever any building in said city shall be on fire, it shall be the duty, and be lawful for the chief engineer, with the consent of the mayor or any alderman, or for any two aldermen, to order and direct such building, or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of the three months, if any such application shall have been made in writing, the common council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such

Council to
settle with
owners.

agreement shall be effected, shall proceed to ascertain the amount of such damage, and shall provide for the appraisal, assessment, collection and payment of the same, in the same manner as is provided by title six of this act, for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Sec. 97. The common council shall have full power and authority to prohibit by ordinance any and every steamboat, propeller, or other craft propelled or operated, either in whole or in part by steam, from landing or approaching within one hundred feet of any dock or wharf or bank in said city, unless provided with a good and sufficient spark-catcher, so as to prevent cinders or sparks passing into the open air, to the danger of firing any property in said city, and may enforce such ordinance by a fine not exceeding five hundred dollars, against the master or owner, or person having charge of the said steamboat, propeller, or other craft which shall, by the direction or command of the master, owner, or person having charge thereof, violate the provisions of such ordinance, and be convicted thereof; and a fine being imposed therefor by any justice's court of said city, such fine and all the costs of the proceedings shall be a lien on such steamboat, propeller or other craft, and may be enforced in the name of the city against such boat, vessel or craft, in the same manner that other liens are enforced against water-crafts: *Provided*, That in any proceedings to enforce such lien no bond or other security for costs shall be required to be given by said city.

Vessels to be provided with spark-catchers.

Fines to be liens on vessels.

Proviso.

OF COURTS OF JUSTICE.

Sec. 98. Justices of the peace of said city shall have like powers and jurisdiction, and be subject to the same duties and liabilities as is now or may hereafter be provided by law in relation to justices of the peace in the several townships of this State. The present incumbents of the office of justice of the peace in the township of Muskegon, and within the limits of said city, shall continue to hold such office until the expiration

Justices of the peace.

Terms of office of present incumbents.

of their said terms of office, as now provided by law, and shall have the powers and jurisdiction, and be subject to the liabilities prescribed in this act.

To determine
offenses.

Sec. 99. Any justice of the peace residing in said city shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing by the city attorney, sworn to positively or upon the information and belief of such attorney, or upon the oath of any other person, to inquire into, hear, try and determine all offenses which may be committed in said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process and take recognizances for the keeping of the peace, for the appearance of the persons charged and upon appeal, and to commit to prison as occasion shall lawfully require.

To award
process.

To issue
warrants.

Sec. 100. In all prosecutions for the violation of any of the by-laws or ordinances passed by the said common council, upon complaint being made in writing by the city attorney, or by any other person upon oath before any justice of the peace, setting forth therein the substance of the offense complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan, for the apprehension of the offender, directed to the marshal of said city, or any constable of the county of Muskegon, (except in cases mentioned in section one hundred and three of this act,) and such process may be executed by any of said officers, any where within the county of Muskegon, and shall be returnable the same as other similar process issued by justices of the peace; that upon bringing the person charged before said justice of the peace, he shall plead to said complaint, and in case of his refusing to plead thereto, or standing mute, the said justice of the peace shall enter the plea of "not guilty," for the person so charged; that upon said complaint and plea

Proceedings
when person
is brought to
trial.

a trial shall be had, and upon conviction of the said offender, and the imposition of a fine, it shall be the duty of such justice of the peace to issue an execution, directed to the marshal of said city, or any constable of said county, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county of Muskegon, or to the city prison of said city; and the sheriff or keeper of said prison shall safely keep the body of the person so committed, until he be discharged by due course of law; and in case by the judgment of said justice a fine be imposed, and by such judgment it be further provided that such person so convicted, on failing to pay said fine so imposed, shall be imprisoned in the county jail of Muskegon county, or city prison, until the payment of such fine, not exceeding a term to be fixed in said judgment, and not exceeding in any case the term of ninety days, then said justice shall issue a commitment directed as aforesaid, commanding the commitment of such person to the said jail or prison until the payment of such fine, not exceeding the time fixed in the judgment of the court, or until he be discharged by due course of law; and in cases where fine and imprisonment, or imprisonment alone, shall be imposed upon the person so convicted by the judgment of such justice, said justice shall issue the necessary process to carry such judgment into effect; and in all cases where any person shall be committed to said jail in the manner aforesaid, the sheriff of Muskegon county, or keeper of the said jail or city prison, shall receive and safely keep the body of such person so committed, until discharged by due course of law.

Marshal to collect fines.

When person convict'd may be sent to jail.

Sheriff to have charge of prisoners.

Sec. 101. In prosecutions for the violation of any of the by-laws or ordinances of said city, it shall not be necessary to plead or set forth any such by-law or ordinance, or any of the provisions thereof, in any complaint, pleading, warrant, writ or

When by-law shall be deemed sufficiently pleaded.

process, but the same shall be deemed well and sufficiently pleaded and set forth by reciting the title to any such ordinance or by-law, and the date of its passage or approval; and the court or officer before whom any such prosecution shall be tried, shall take notice, without proof, of the existence and provisions of such ordinance or by-law, unless the existence or validity of such by-law or ordinance shall be specially put in issue by the plea or notice of the defendant.

Corporation
allowed use
of county
jail.

Sec. 102. The corporation of Muskegon city shall be allowed the use of the common jail of said Muskegon county, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Justices to
issue war-
rants for ar-
rest of es-
caped offend-
ers.

Sec. 103. Whenever any person charged with having violated any ordinance of the common council, by which the offender is liable to imprisonment, shall have escaped from said city, or shall reside or be without the limits thereof, any justice of the peace residing in said city, to whom complaint shall be made, shall issue a warrant to the sheriff of the county of Muskegon, commanding him forthwith to bring the body of such person before him, if found within this State, to be dealt with according to law; and every sheriff to whom such warrant shall be delivered for service, is hereby required to execute the same under the penalties which are by law incurred by sheriffs for neglecting or refusing to execute other criminal process; and in case the person charged as aforesaid shall be within the county of Muskegon, the said warrant may be served by the marshal of the city, or by the sheriff or any constable of the city or county.

How process
shall be di-
rected.

Sec. 104. All process issued by any justice of the peace to enforce or carry into effect any of the by-laws or ordinances of the common council, except in the cases mentioned in section

one hundred and three of this act, shall be directed "To the marshal of the city of Muskegon, or any constable of the county of Muskegon," and such process may be executed by any of said officers any where within the county of Muskegon, and shall be returnable the same as other similar process issued by justices of the peace.

Sec. 105. In all trials before any justice of the peace, of any person charged with the violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace, and in all cases, civil and criminal, he shall have the right of appeal from the justice's court to the circuit court, and shall abide the order of the court therein on the same terms as is or may be required by law in appeals from justices' courts in similar cases.

Sec. 106. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of Muskegon, under the direction of the common council, or of the attorney of said city; and no person, being an inhabitant, freeman or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice, or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of any provision of this act, or for the violation of any ordinance of the common council, nor from serving any process, summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation the said city, or any city or ward officer is a party, or in which said city or such officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof.

Right of
appeal.

Sec. 107. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court of Muskegon county, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognition to the adverse party, shall be necessary to be executed by or on behalf of the said city.

Who to be
deemed
vagrants.

Sec. 108. All persons, being habitual drunkards, destitute, and without visible means of support, or who, being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, being complained of by such families; all able-bodied and sturdy beggars who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, out-houses, market places, sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door, or place themselves in streets, highways, passages or other public places, or beg or receive alms within the said city, shall be deemed vagrants, and may upon conviction before any justice of the peace in said city, be sentenced to confinement at hard labor in the county jail or city prison, for any time not exceeding sixty days.

Who to be
deemed
disorderly
persons.

Sec. 109. All persons who shall have actually abandoned their wives or children in the said city, or who may neglect to provide according to their means for their wives and children, are hereby declared to be disorderly persons within the meaning of chapter thirty-nine, of title nine, of the revised statutes of eighteen hundred and forty-six, and may be proceeded against as such, in the manner directed by said title; and it shall be the duty of the magistrate before whom any person may be brought for examination, to judge and determine from the facts and the circumstances of the case, whether the conduct of such person amounts to such desertion or neglect to provide for his wife and children.

PUBLIC HEALTH.

Sec. 110. The common council of said city may constitute a board of health for said city, and may appoint a competent physician to be the health officer thereof.

Sec. 111. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected with such disease; to establish, maintain and regulate a pest-house or hospital at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city infected with any such disease, to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, or goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description, which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Board of health.

Powers and duties of.

To examine infected persons.

To establish pest-house.

To send residents to pest house.

To remove infected goods.

To make all necessary regulations.

Sec. 112. The captain, master, or person in charge of any steamboat or other water-craft or vessel, which shall enter into the city, having on board thereof any person sick of any

Rules concerning vessels having on board sick persons.

malignant fever or pestilential or infectious disease, shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment, unless the person so diseased became so on the way, and could not be left. It shall be the duty of such captain, master or person in charge, within two hours after his arrival, to report in writing to the mayor, or some health officer, the fact of such sick person being on board, and the name, description and location of his craft; and he shall not permit such sick person to land or to be landed, until the board of health, or some member thereof, shall give permission for that purpose; and any neglect or violation of these provisions, or of any or either of them, shall be a misdemeanor, punishable with fine and imprisonment.

Stage driv'rs
to report all
cases of sick-
ness.

Sec. 113. The owner, driver, conductor, or person in charge of any stage coach, railroad car, or other public conveyance which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease shall, within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

Persons
bringing in-
fected prop-
erty liable to
fine.

Sec. 114. Any person who shall knowingly bring or procure, or cause to be brought into the city, any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment.

Power of
board of
health to
order off
vessels.

Sec. 115. The board of health shall have power, by an order in writing for that purpose, to be served on the captain, master or person in charge of any steamboat, or other vessel or craft, or any owner or consignee thereof, if such boat, craft or vessel be by them suspected to have on board any infected or diseased person or property, to require such boat or vessel not to enter the city, or to remove to some certain distance, not exceeding three miles [from the city]; and every such captain, master,

person in charge, consignee or owner, who shall be served with such order, shall be guilty of a misdemeanor, punishable with fine and imprisonment, if such boat, vessel or craft shall enter the city in violation of such order, and shall not be removed, according to the tenor of such order, within a reasonable time, not exceeding three hours after the service of such notice.

Sec. 116. Every keeper of an inn or boarding house or lodging house in the city, who shall have in his house at any time any sick traveler, boatman, or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor or some officer or member of the board of health; every physician in the city shall report, under his hand, to one of the officers above named, the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, the fine not to exceed one hundred dollars, nor the imprisonment in the county jail three months.

Inn-keepers to report all cases of sickness.

Sec. 117. All fines imposed under the last sections shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

Fines to belong to city.

Sec. 118. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing, cleaning and regulating any grounds, yards, basins, slips or cellars within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and cleanliness of the city, to be executed and done at

Council to pass laws concerning cleaning of yards, etc.

To assess
expenses on
lands bene-
fited.

the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold, in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

To order the
pulling down
of dangerous
buildings.

Sec. 119. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to take down the same, or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require, and in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Recorder to
be clerk of
board of
health.

Sec. 120. The recorder shall be clerk of the said board of health, and it shall be his duty to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall

be *prima facie* evidence of the facts therein contained, in any court or before any officer.

Sec. 121. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury. What deemed perjury.

Sec. 122. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done, or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law. Officers gaining suits to be entitled to double costs.

ORDINANCES.

Sec. 123. The record of any ordinance enacted, and of the time of its first publication, made by the recorder as required in this act, or a copy thereof, certified by such recorder under the seal of such corporation, shall be presumptive evidence in all courts, places and proceedings, of the due passage of such ordinance, of its having been duly published, and of the time of its first publication. Copies of all other records and papers duly filed in and pertaining to the office of recorder, certified by him under the seal of the corporation, shall be evidence in all courts and places, to the same effect as the original would be if produced. Records of ordinances to be presumptive evidence. How copies of records may be used in court.

Sec. 124. Proof of the requisite publication of any ordinance, resolution, or other proceedings required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the recorder of the city, or any other competent proof, shall, in all cases and places, be conclusive evidence of the legal publication of such ordinance, resolution, or other proceeding. All ordinances and by-laws What deemed evidence of publication.

Ordinances
published by
authority to
be taken as
proof.

of the common council, printed and published by their authority, shall in all courts, places, and proceedings, be received without further proof, as *prima facie* evidence thereof, and of their legal enactment and publication.

Manner of
conducting
elections.

Sec. 125. The manner of conducting said election or township meeting, the officers to be elected, and their terms of office, shall be the same as is provided by law in case of the first township meeting in new townships.

City to bear
its portion
of township
expenses.

Sec. 126. The said city shall pay its just proportion of the indebtedness of the township of Muskegon, existing when this act shall take effect, whether due or to become due, to be determined by the township board of said township and the common council of said city, in the same manner as claims between townships are adjusted in similar cases, and shall have its share of the money and property of said township, to be divided in a like manner. It is hereby made the duty of the

Apportion-
ment of in-
debtedness.

township board of said township and the common council of said city, to meet at the office of the recorder of said city within three months from and after the first election under the provisions of this act, and apportion the indebtedness, money, and property referred to in this section, using the last preceding assessment roll of said township as a basis of apportionment. Said apportionment shall contain a full statement of the nature of said indebtedness, the object or purpose for which the same was incurred, the amount or portion that said city and said township are each to pay or discharge respectively each year, until all of the said indebtedness is paid or discharged. Said statement shall also contain a description of the property to be divided, and the terms of the division, the fund or funds to which the money to be apportioned belongs, and the amount of said money that said city and said township are each to receive.

Contents of.

Record of
statement;
who to make

Sec. 127. It is hereby made the duty of the township clerk of said township and the recorder of said city, respectively, to enter such statement at length in the record books of their respective offices.

Sec. 128. It is hereby also made the duty of the common council of said city to cause to be assessed and collected each year upon the taxable property of said city a sum of money sufficient to pay and discharge the amount of indebtedness as specified in the statement above mentioned, and to cause the same to be paid to the treasurer of said township, and take a receipt therefor, and file the said receipt in the office of the recorder of said city.

Sec. 129. The corporation created by this act shall pay and discharge all the bonds, debts, obligations, contracts and liabilities of the common council of the village of Muskegon, and suits may be brought and prosecuted thereon in the same manner, either in law or equity, and with the same effect as they could be brought or prosecuted against the common council of the village of Muskegon, if this act had not passed. All suits and proceedings that may be pending in any court of this State in which said village of Muskegon is a party, may be prosecuted to final determination, in the same manner and with like effect as if this act had not been passed: *Provided*, Such suit or proceeding be continued in the name of the city of Muskegon.

Sec. 130. This act shall take effect on the first Monday in March, A. D. 1870, and the officers of the village of Muskegon shall continue in office until the officers provided for in this act shall be elected and qualified, unless such offices otherwise become vacant, as provided by law. The legal ordinances, by-laws, rules and regulations of said village, and not inconsistent with the provisions of this act at the time the said act shall take effect, are hereby continued in full force and effect until legally amended or repealed by the proper authorities of the city of Muskegon.

Sec. 131. The president and the recorder of the village of Muskegon, and the justice of the peace of the township of Muskegon whose term of office will soonest expire, shall constitute a board of registration of the electors of the city of Muskegon, for the first election held under the provisions of this act.

When board
shall meet.

Sec. 132. For the purpose of making a list of the legal electors of said city, said board is hereby authorized to meet at the place of holding the election in the first ward of said city, on the Thursday next preceding said first annual election therein; on the Friday next preceding said election at the place of holding said election in the second ward, and on Saturday next preceding said election at the place of holding said election in the third ward.

Rules of
meeting, etc.

Sec. 133. The time of the day said board shall be in session, the mode of proceedings at said meetings of said board, and all laws relating to registration of electors, and the use of such register when completed and not inconsistent with the provisions of this act, are hereby declared to be in full force and effect in relation to the proceedings at said meetings of said board.

Approved April 3, 1869.

[No. 412.]

AN ACT to amend act number thirty-eight, entitled "An act to prevent fishing with seines and every kind of continuous nets in the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee, Roscommon and Calhoun, or in any of the lakes, rivers or streams of Macomb county," approved March ninth, eighteen hundred and sixty-seven.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "An act to prevent fishing with seines or any species of continuous nets in any of the inland lakes or small streams of the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee and Calhoun, nor in any of the lakes, rivers or streams of Macomb county," be and the same is hereby amended so as to read as follows:

Fishing with
seines, etc.,
declared
unlawful.

SECTION 1. *The People of the State of Michigan enact, That* it shall not be lawful hereafter to fish with seines or any species of continuous nets in any of the inland lakes or small streams, or inland rivers (except St. Joseph river, in Berrien county) of

the counties of Branch, Livingston, Cass, St. Joseph, Kent, Ionia, Genesee, Roscommon, Calhoun, Macomb, Berrien, and Washtenaw.

Approved April 3, 1869.

[No. 413.]

AN ACT to establish and organize fractional school district number seven, of the townships of Lenox and Chesterfield, in the county of Macomb, State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* ^{Description of school district.} the territory hereinafter described, situated in the townships of Lenox and Chesterfield, county of Macomb, State of Michigan, be designated as and organized into fractional school district number seven, of said townships of Lenox and Chesterfield, that is to say: Commencing on the center line of fractional section one, in the township of Chesterfield, on the county line between St. Clair and Macomb counties, and running west on the center line, through sections one and two, and to the west line of the east half of the north-east quarter of section three; thence north to the township line between the townships of Lenox and Chesterfield; thence commencing on said township line, on the west line of the east half of the south-west quarter of section thirty-four, in the township of Lenox, and running north to the center line of said section; thence east on the center line of sections thirty-four, thirty-five and thirty-six, to the county line, thence south to the place of beginning.

Sec. 2. It shall be the duty of the township clerks of said ^{Duties of township clerks.} townships of Lenox and Chesterfield to take the same course with reference to the organization of said school district, and the same proceedings shall be had in the organization thereof, as is now prescribed by law in cases where new school districts are formed by inspectors of townships.

Sec. 3. This act shall take immediate effect.

Approved April 3, 1869.

[No. 414.]

AN ACT to provide for laying out and constructing a State road from the western terminus of the St. Louis and Pine river State road, to the east line of the county of Newaygo, and to appropriate certain non-resident highway taxes for constructing the same.

Commis'srs
appointed.

Duty of.

Compensat'n
of.

SECTION 1. *The People of the State of Michigan enact, That* E. H. Striker be and is hereby appointed a commissioner, whose duty it shall be to cause to be surveyed and located a State road from the western terminus of the St. Louis and Pine river State road, in the county of Gratiot, to the east line of the county of Newaygo, on the most practicable route, via Knott Mall, in the county of Montcalm; and said commissioner shall receive a compensation not to exceed two dollars per diem for the time actually spent in locating said road, which, together with the cost of the survey, shall be audited and paid by the board of supervisors of the respective counties through or into which said road shall be located, and in proportion to the length of line in each.

To make out
and file de-
scription of
the route,
etc., with
supervisors.

Sec. 2. It shall be the duty of said commissioner to make out and file with the supervisors of the several townships through which said road shall run, and also with the county treasurers of the counties of Gratiot and Montcalm, a full description of the route and survey of the road, as surveyed and established by him.

Non-resident
highway
taxes appro-
priated.

Sec. 3. The highway tax upon the non-resident land in the towns through which said road shall run, for the distance of one mile each side of said road, be and the same is hereby appropriated for the construction of said road, for a period of four years from the first day of March, one thousand eight hundred and sixty-nine; and the said tax shall be expended in opening and constructing said road, under the direction and supervision of the commissioners of highways of the several townships in which it is collected.

Sec. 4. This act shall take immediate effect.

Approved April 3, 1869.

[No. 415.]

AN ACT to repeal act number four, of the session laws of eighteen hundred and sixty-five, entitled "An act to provide for the improvement of the Saginaw river, and to authorize the county of Saginaw to loan money in aid thereof, and to provide for the paying out and disposal of the funds and property in the hands of the dredging commissioners of Saginaw county."

SECTION 1. *The People of the State of Michigan enact, That* Moneys to be apportioned back to cities the county treasurer of Saginaw county shall be and hereby is directed and empowered to apportion back to the several cities and townships of said Saginaw county, the unexpended balance of the moneys raised pursuant to the provisions of the act entitled "An act to provide for the improvement of the navigation of Saginaw river, and to authorize the county of Saginaw to loan money in aid thereof," such apportionment to be made according to the equalized valuation of said cities and townships for the year eighteen hundred and sixty-eight. Said county treasurer is hereby directed to pay over the amount due to each township or city, to the treasurer thereof, on demand.

Sec. 2. Said act, referred to in the preceding section, shall Machinery, etc., to be sold. be construed as conferring upon the board of supervisors of Saginaw county the entire management, control and disposition of the dredge, with the boilers, engines, machinery, tackle, apparel and furniture, and the scows and other property appertaining thereto, and which were constructed or purchased by the commissioners appointed under said act; and the action of said board of supervisors relative to the sale of said property, and the sale made in pursuance thereof, is hereby legalized and made valid and binding, and the money arising from said sale shall be apportioned by said county treasurer in the manner provided in the first section of this act.

Sec. 3. The office of dredging commissioner, as created by Office of dredging commissioner abolished. said act, approved January 25, 1865, as aforesaid, shall be and is hereby abolished; and the said dredging commissioners shall

pay and deliver over to the treasurer of Saginaw county all moneys and property now in their hands, or in the hands of either of them, belonging to the fund raised under the before mentioned act, on demand: *Provided*, That nothing herein contained shall be construed to release said commissioners or their sureties, or either of them, from liability on their official bonds, until they shall have paid and delivered all moneys and property as aforesaid, nor until their final accounts shall have been rendered to and approved by said board of supervisors.

Sec. 4. This act shall take immediate effect.

Approved April 3, 1869.

[No. 416.]

AN ACT to authorize the improvement of Fort street, in the township of Springwells, and to provide for the maintenance thereof.

Fort street
improvement
board con-
stituted.

SECTION 1. *The People of the State of Michigan enact*, That the supervisor and township clerk of the township of Springwells, together with a civil engineer, to be appointed as hereinafter provided, shall constitute a board to be known as the Fort street improvement board, and said board are authorized to improve Fort street, as hereinafter provided, from the western boundary of the city of Detroit to the Dearborn road, in the town of Springwells.

Governor to
appoint an
engineer.

Sec. 2. It shall be the duty of the Governor forthwith to appoint a competent civil engineer, who shall be a member of said board, and to remove the same when, in his judgment, it shall be expedient so to do, and also to fill any vacancy that may occur by reason of the removal of said engineer or otherwise.

Commissioners
to take oath.

Sec. 3. Before entering upon their duties the commissioners shall severally make oath, before some person duly authorized to administer oaths, that they will justly and impartially dis-

charge the duties assigned them by this act, which oath shall be by them filed in the town clerk's office.

Sec. 4. It shall be the duty of said board, after being duly organized, to prepare plans and specifications, as soon as practicable, for graveling or paving said street, of a width not less than thirteen feet, according to the method known as the Macadam system of road-making. The specifications to provide also for the proper drainage of said street and for the protection of the slope on each side of the roadway by sodding or otherwise, and for the construction of that portion of the common earth roadway adjoining the graveled or macadamized portion of such street, so that it shall be of a proper grade to admit the free movement of vehicles from one side to the other of the worked roadway. The graveled or macadamized part of said street shall be on the north side of the worked roadway, as it now is, and as near as practicable to the gutter on the north-
Duties of board.
Contents of specificat'ns.
How road shall be constructed.
Where letting of work to commence

Sec. 5. It shall be the duty of the board, after surveys, plans, and specifications shall have been prepared for the purpose, to invite, by advertisement in two or more of the daily papers published in the city of Detroit, sealed proposals for the paving, graveling or macadamizing of such road according to the plans to be exhibited, on application, to contractors; and at least thirty days' notice shall be given before the proposals shall be opened, which opening shall be public, and the contracts shall be awarded to the lowest bidder who is responsible or who shall give satisfactory security for the performance of such contract. The plans shall be arranged so that the work to be done may be let in sections, and the proposals shall be invited for the performance of the work at a stated price per lineal foot; and when so requested in writing by any owner, the board shall arrange the sections in such a manner as to give such land owner an opportunity to file proposals for the construction of said road in front of his land; and if from any
Board to advertise for proposals.
Contract to be given to lowest bidder.
How plans shall be arranged.

cause it becomes necessary to relet such work or any part thereof, it may be done in the same manner as required in the original letting.

When town-
ship shall
issue bonds.

Sec. 6. After the work shall have been performed by the contractors according to the plans and specifications, and after the same shall have been accepted as finished work by the board, it shall be the duty of the board to notify the township board thereof, and the township board on receiving such notice shall issue the bonds of said township, bearing interest and payable at such time as the township board may determine, not less than five years and not exceeding ten years, interest payable annually; and said board shall pay to the contractor or contractors, or other persons entitled to receive the same, the bonds of said township, hereby authorized to be issued, in such sums as the board may determine, not exceeding in all the amount of the entire cost of constructing said road and the incidental expenses connected therewith.

Commis'srs
to assess
expenses on
lands bene-
fited.

Sec. 7. The said commissioners shall assess the expense of constructing said road, and of improving and draining the same as aforesaid, together with the charges of said board for services and other necessary expenses, upon the lands fronting upon said street, and such other lands as, in their judgment, are specially benefited by such improvement, in such proportion as they shall deem just, according to the benefit which will accrue to each parcel thereof; and it shall be the duty of the board to prepare an assessment roll, describing the lands so assessed, and the amount assessed on each description, together with a plat of the lands so assessed, which roll shall be signed by said commissioners and filed in the office of the township clerk, and a copy thereof, duly verified by said commissioners, shall be filed with the treasurer of the county of Wayne; and the amount assessed by said board on each parcel of land shall be a lien on such land from the time of filing said roll in said clerk's office until the same is fully paid.

To make and
sign assess-
ment roll.

Amounts
assessed to
remain a lien
on land.

Sec. 8. Whenever requested so to do, in writing, by any owner or owners of any parcel so assessed as aforesaid, who have subdivided or who may desire to subdivide the same, and shall furnish a plat of such subdivision, it shall be the duty of said board to apportion the amount of the original assessment on the whole parcel on each parcel thereof as subdivided, as they shall deem just and equitable, and so report in writing such apportionment, with a description of the several parcels as subdivided, together with a plat thereof, to the town clerk of said town of Springwells, and a copy of such report and plat, duly verified by said commissioners, shall be filed with the county treasurer; and from the time of filing such report and copy in said township clerk's office, the amount originally assessed on the whole of said parcel shall cease to be a lien thereon, and the amount so assessed upon each parcel as subdivided, shall become a lien thereon in the same way and with the same effect as if it had been originally assessed upon such parcels as subdivided.

Sec. 9. It shall be the duty of the supervisor of said township, the year preceding the maturity of any of the bonds issued in pursuance of this act, to place upon the assessment roll of said township a special tax for the amount of the principal of said bonds and all the interest falling due on any or all of said bonds, and the same shall be spread upon the lands in said assessment roll prepared by said commissioners and on file, as hereinbefore provided, and the subdivisions thereof, provided for in section eight of this act, and in the proportions therein settled, and said tax so assessed shall be collected, and the collection thereof enforced, in the same manner as other township taxes. It is however provided, that the lien for the amount assessed for building said road upon any parcel of said land may at any time be extinguished by the payment of the amount so assessed, to the treasurer of said town of Springwells, either in money or in bonds issued under this act, in which case no tax shall be assessed upon such parcel under the provisions of this section; and on the payment

Proceedings
in case of
subdivisions

Assessments
to remain a
lien on sub-
divisions.

When super-
visor shall
make spec'l
assessment.

How tax
shall be
collected.

How lien on
land may be
removed.

Township
treasurer to
report taxes
paid.

of such tax it shall be the duty of the township treasurer, forthwith in writing, to report the payment of such tax and the description of the land on which the same is paid, to the county treasurer, and it shall be the duty of the county treasurer to enter upon said assessment roll in his office as aforesaid, the payment of said assessment upon such parcel.

Board to
keep road in
repair.

Sec. 10. The said Fort street improvement board shall cause said road to be kept in good repair, and material shall be applied thereon from time to time, as required, to maintain said road in good order; and the cost of labor and material for such purpose shall be provided for by the township board, and the amount thereof shall be raised by tax on the real and personal property of said township, in the same manner that other township charges are.

Compensation
of supervisor
and town-
ship clerk.

Sec. 11. The supervisor and township clerk shall be entitled to the same per diem compensation now authorized by existing laws to be paid for services on other township business, and the civil engineer shall be entitled to five dollars per day when actually employed on the duties of said board; and it shall be the duty of the board to report in writing to the township board the number of days each member thereof has actually been engaged in the business connected with the improvement of said Fort street. The amount of said services up to the time when said road is accepted shall be included as a part of the expenses of constructing said road, and shall be included in the amount for which bonds shall be issued as aforesaid, and the amount of subsequent services shall be paid as other township charges are. But nothing in this act contained shall be construed to authorize any tax for any part of the original cost and expenses of said improvement, or any interest on the same upon property not specified in the assessment roll of said Fort street improvement board as benefited; nor shall anything in this act exempt any of such property specified as benefited from other highway taxes.

Board to
make report.

What to be
included in
amount of
expenses.

Sec. 12. This act shall take immediate effect.

Approved April 3, 1869.

[No. 417.]

AN ACT to incorporate the village of Chesaning, in the county of Saginaw.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} all that certain tract of land situate in the county of Saginaw, and State of Michigan, being in township number nine north, of range number three east, and described as follows, to wit: The east half of section seventeen, the south-east quarter of section eight, the whole of section sixteen, the south half of section nine, the south-west quarter of section ten, the west half of section fifteen, of town nine north, of range three east, being two miles long and one and one-half miles wide, shall be and the same is hereby designated as the village of Chesaning.

Sec. 2. The inhabitants, residents within the boundaries ^{Body corporate and politic.} aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "The Village of Chesaning," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity; and may make and use a common seal, and alter the same at pleasure; and shall also have power to purchase, hold and convey such real and personal estate as the purposes of the corporation may require.

ARTICLE II.

Sec. 1. The officers of said village shall be a president, six ^{Officers.} trustees, one clerk, one marshal, who shall also be collector of taxes and assessments, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided, as may be necessary to carry out the provisions of this act.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

- Elections.** **Sec. 1.** The inhabitants of said village, having the qualifications of electors under the constitution of this State, shall meet at the place of holding the annual township meeting in the township of Chesaning, in said county of Saginaw, in April, one thousand eight hundred and sixty-nine, on the second Monday of April, A. D. one thousand eight hundred and sixty-nine, and there proceed to elect one president and three trustees, who shall severally hold their office for one year; also three trustees, who shall severally hold their office for two years; and the inspectors of such election shall certify thereto accordingly, immediately after the canvass shall be finished.
- First election.** **Sec. 2.** At the first election to be held in said village, under this act, there shall be chosen by the qualified electors there present, from among their number, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof; and at each and every election thereafter to be held in said village, under the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder of said village shall be the clerk of such board.
- Duties of.**
- Polls; when to be open'd and closed.** **Sec. 3.** The polls of all elections in said village, under this act, shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of said day, and no longer. The name of each elector voting at such election shall be written in a poll list, to be kept at such election by the clerk of the board of inspectors thereof. After the close of the polls of such election, the board of inspectors thereof shall proceed, without delay, publicly to count the ballots, unopened, and if the number of ballots so counted shall
- Canvass of votes**

exceed the number of electors contained in the poll list, the president, if present, and if not, then some other member of the board of inspectors of such election, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots shall be found rolled or folded together, they shall not be counted; and thereupon the board of inspectors present at such election shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete said estimate on the same day, and shall certify and declare the number of votes given for each officer, the names of the persons for which such votes for such office were given, and the number of votes so given for each person, and shall make and file a certificate thereof in the office of the recorder of said village within twenty-four hours after the close of said canvass, and the person having the greatest number of votes for any office, shall be declared duly elected to such office; and if two or more persons shall have an equal number of votes for the same office, the board of inspectors of such election shall prepare as many slips of paper of equal size, as there are of persons having an equal number of votes, and shall write the name of one of said persons on each of said slips, and put the same together in a box, and one of said board shall be blindfolded, and proceed to draw from said box the said slip, and the person whose name shall be first drawn therefrom shall be declared duly elected.

Certificate
of election.

Tie; how
decided.

Sec. 4. It shall be the duty of the clerk of said village to give five days' public notice in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, succeeding the one described in section one of this article; said notices may be written or printed, or partly written and partly printed; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of such election. The recorder of said village shall, within five

Clerk to
give notice
of elections.

Recorder to
notify per-
sons of their
election.

days after the closing of the polls of any election, notify the officers elected thereat, respectively, of their election; and each of the officers so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States, and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause a certificate of such oath to be filed with the recorder of said village within ten days after he shall have been notified of his election. If the quali-

Inspectors to
determine
qualifications
of electors.

fication of any person offering to vote at such election shall be questioned, the same shall be determined by the board of inspectors thereof, upon an examination of such person thereon his oath, which may be administered by any member of said board; and any person who shall swear falsely upon any such examination, shall be deemed guilty of perjury, and on conviction thereof shall be liable to the punishment provided for that crime by the laws of the State.

When elec-
tions shall
be held.

Sec. 5. Elections for officers, after the one described in section one of this article, shall be held on the first Monday of March in each year, at such places as shall be designated by the board of trustees, except as provided for at the first section; but if an election of the officers of said village shall not be held on the day when, pursuant to this act it should be held, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act, for the holding of the regular election.

ARTICLE IV.

OF THE QUALIFICATIONS OF OFFICERS.

Who eligible
to office.

Sec. 1. No person shall be eligible to any office in this corporation unless he shall have resided in said village six months next preceding his election, and shall be entitled to vote therein.

Sec. 2. No member of the board of trustees, during his continuance in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the term for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Trustees not to become surety or be interested in any contract

Sec. 3. No officer appointed by the president and trustees shall hold his office more than one year, or until his successor is appointed, and the president and trustees may require of any of them such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the treasurer of the corporation, and his successor in office, and suit may be brought for any breach of said bond in the name of "The Village of Chesaning," as in other cases, before any justice of the peace, or the circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try, and determine the same.

Terms of office.
Bonds of officers.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

Sec. 1. The president shall be *ex officio* a member of the board of trustees, and have the power and be subject to the like duties and responsibilities of a trustee.

President; powers and duties of.

Sec. 2. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or it shall be demanded in writing for any specific purpose, by three of the trustees, or twenty electors of said village.

To preside at meetings of trustees.

Sec. 3. The president shall preside at all elections held under and by virtue of this act.

At elections.

Sec. 4. The president shall see that all the by-laws, rules, regulations and ordinances of said village are faithfully enforced, and prosecute, in the name of "The Village of Chesaning,"

To see that village regulations are carried out.

ning," all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or under any of the by-laws, rules, regulations or ordinances passed by virtue thereof.

To receive reports.

Sec. 5. He shall receive and lay before the board of trustees, the official reports of all officers who may be required to make such reports, and, in connection therewith, suggest the passage of such measures as, in his judgment, the necessities of the village may require.

To appoint certain officers.

Sec. 6. He shall appoint, by and with the consent of the trustees, one clerk, one marshal, one treasurer, one assessor, two or more fire-wardens, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act: *Provided*, That no officer so appointed shall hold his office for a longer term than during the official term of the president so appointing him, or until his successor in office is appointed.

Provided.

To have control of public property.

Sec. 7. The president shall inspect and have the supervising control of the public property belonging to said village, and see that the same is properly cared for and kept in order.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

Trustees to pass laws relative to—

Sec. 1. The board of trustees shall have the control and management of all the finances, and of all the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village.

Sec. 2. The board of trustees shall have full power, within said village:

Duties of officers.

1. To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act.

Official bonds.

2. To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other

officers as they shall deem proper to require security from, in the discharge of official duty.

3. To provide for the care, custody, and preservation of the Public property. public property of said village.

4. To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them.

5. To purchase and keep in order, fire engines and other fire Fire engines. apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department and define their duties, and prescribe penalties for their delinquencies.

6. To establish fire limits, within which no wooden building Fire limits. shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to Fire buckets guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same.

7. To prevent vice or immorality; to preserve peace and good Vice. order; to establish and maintain a competent police; to Police. suppress, restrain and close up all disorderly houses, houses of ill fame or licentiousness, gambling tables, or any other device or Gaming instrument for gaming, and to punish the keepers of the same, when so kept in violation of any by-law, rule, regulation or ordinance of said village; to cause vagrants, idlers, disorderly Vagrants. persons, mendicants, street beggars, common prostitutes, impostors and drunkards to be apprehended and punished.

8. To prevent the selling or giving away of spirituous or Liquors. fermented liquors.

9. To prevent and punish immoderate riding or driving in Fast driving the streets, and to provide penalties for leaving teams in the streets unfastened.

- Shows.** 10. To license and regulate theaters, shows, traveling concerts, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village.
- Nuisances.** 11. To prevent and remove nuisances, and to punish persons for committing the same.
- Obstructions on walks.** 12. To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction.
- Gunpowder.** 13. To regulate the storage of powder, naphtha, nitroglycerine, combustible oils, lumber and other combustible material.
- Fire-arms.** 14. To prevent the use of fire-arms, fire-works, slung-shots, metal knuckles and other weapons, and regulate the exhibition of fireworks.
- Markets.** 15. To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime and lumber.
- Cattle.** 16. To restrain horses, cattle, sheep, swine, mules, and other animals, geese, and other fowls from going at large in the streets of said village, under such penalties as they shall, in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation or ordinance of said village, and to make all needful rules and regulations for the effective use of the same.
- Dogs.** 17. To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction, if found at large in violation of any ordinance of said village.
- Lamps.** 18. To erect lamps, and cause the public grounds, and such of the streets of said village as they shall deem proper, to be lighted at such times as, in their judgment, the wants and interests of the village may require.
- Building lines.** 19. To establish lines upon which buildings may be erected, and beyond which such buildings shall not extend.
- Unsafe buildings.** 20. To prevent the erection and provide for the removal of all buildings deemed unsafe.

21. To regulate the placing and provide for the preservation Shade trees.
of horse-posts and shade trees.

22. To prohibit and regulate the bathing in any of the wa- Bathing.
ters, and to provide for cleansing Shiawassee river of drift-
wood and other obstructions, and to preserve the salubrity of
the waters within the limits of said village.

Sec. 3. The board of trustees shall be the commissioners of Trustees to
be commis-
sioners of
streets.
highways within the limits of said village, and as such may ex-
ercise all the powers that now are granted to commissioners of
streets and highways in the several townships of this State,
together with such other powers as may be necessary to carry
out the provisions of this act, and may appoint one or more
overseers of streets and highways as they shall deem best.

Sec. 4. The board of trustees shall, upon the petition in writ- To order
grading of
any street.
ing, of a majority of the property-owners along the line of any
proposed work, praying for the same, direct the building of
sewers along the line of, or order and superintend the grading
of any street, highway, alley, or lane in said village, and assess To assess
expenses on
lots benefit'd
the cost and expenses thereof upon the lots lying on either
side of and adjoining the said work, in the proportion that the
frontage of each lot shall bear to the whole frontage of all the
lots upon which the cost of said work is to be assessed; they
shall also have full power and authority to provide for making,
constructing and repairing all sidewalks and cross-walks in
said village, and for paying the costs and expenses of the same
by assessment on the owners or occupants of the lots, lands
and premises in front of which sidewalks may be directed to
be made, constructed or repaired: *Provided*, That all assess- Proviso.
ments for cross-walks shall be made upon the premises in the
block adjacent to said cross-walks, from the corner to the center
of the front and side of said block.

Sec. 5. The board of trustees may take the land of any indi- When may
take private
property.
vidual for the purpose of constructing, widening or extending
any highway, street, alley, lane, ditch, drain or sewer, but not
until such individual shall be paid therefor, as provided in
article nineteen of this act.

Order fences removed.

Sec. 6. The board of trustees may, at any time during the year, exercise the power of ordering fences to be removed, or of opening, widening and extending any highway, street, alley or lane within said village.

Power of, to make and repeal by-laws, etc.

Sec. 7. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish and publish, modify, amend and repeal by-laws, rules, regulations and ordinances, and to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail not to exceed thirty days, or both, for any one offense, except as herein otherwise provided, and to enforce the same against any person guilty of such violation, in any court having jurisdiction of such cases; but all such by-laws, rules, regulations and ordinances shall be published at least for two successive weeks before the same shall be considered as of force, or binding upon the inhabitants of said village.

Publication of by-laws.

ARTICLE VII.

OF THE CLERK OF SAID VILLAGE.

Clerk to make records.

Sec. 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve and keep all books and papers belonging to said corporation and appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws, ordinances, rules, regulations and notices, as the board of trustees shall direct.

To keep poll list.

Sec. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office, within five days thereafter.

To give notice of election.

Sec. 3. The clerk shall give at least five days' notice of the time and place of holding elections under this act.

To make certified copies of records.

Sec. 4. The books and papers in the office of said clerk shall, at all times, on demand, be produced for inspection to all electors and taxable inhabitants of said village; and upon demand

and tender of fees at the rate of ten cents per folio therefor, he shall make and furnish a certified copy, or transcript of any paper or record filed or kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State in like manner as if the original were produced.

Sec. 5. In case of the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such person as the board of trustees shall for the time designate. Clerk pro tem.

ARTICLE VIII.

OF THE MARSHAL OF SAID VILLAGE.

Sec. 1. The marshal shall have the general supervision of the village, and see that all by-laws, rules, regulations, and ordinances passed by the board of trustees of said village, according to the provisions of this act, are enforced. Marshal to have general supervision of the village

Sec. 2. He shall be *ex officio* constable and chief of police, with powers belonging to constables of any township of this State, having power to enter into any disorderly or gaming house, or dwelling house, or other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace may be, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in disorderly assemblages, and take them before any justice of the peace of the township of Chesaning, who shall hear, try and determine the matter: *Provided*, That nothing in this act shall be construed into his serving process in civil cases, nor in criminal cases for the violation of any general law of the State of Michigan. To be chief of police. Provide.

Sec. 3. He shall have the power to compel the citizens to aid in extinguishing fires. To compel aid at fires.

To be subject to control of trustees.

Sec. 4. The marshal shall at all times be subject to the supervision and control of the president and trustees, and shall, whenever directed by the board of trustees, make complaint in writing, and on oath, before any justice of the peace for the township of Chesaning, for any violation of the by-laws, regulations, or ordinances of said village, passed by virtue of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal.

To be collector of taxes.

Sec. 5. He shall be collector of taxes in said village, and shall have full power to collect the same, as provided for in article thirteen of this act.

To make report.

Sec. 6. He shall report in writing to the board of trustees, from time to time, as he may be required by resolution of the board of trustees, of all his actions and doings, by virtue of his office, which report shall be filed with the clerk of the village.

When may be removed from office.

Sec. 7. The marshal may be removed from office by a majority vote of the board of trustees, for any refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of official duties, but the cause of such removal shall in all cases be spread at large upon the records of the village.

ARTICLE IX.

OF THE TREASURER OF SAID VILLAGE.

Treasurer.

Sec. 1. The treasurer shall receive all moneys belonging to said corporation, and disburse the same under the direction of the board of trustees.

How shall pay out money.

Sec. 2. He shall not pay any money on account of said village, except upon a resolution of the board of trustees, and on an order signed by the president and countersigned by the clerk.

To keep record of receipts and expenditures

Sec. 3. The treasurer shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees prior to the annual

election, and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report in writing, of all items of receipts and disbursements, with a statement of the debts, dues and demands of said corporation.

Sec. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article sixteen of this act. To sell lands delinquent for taxes.

ARTICLE X.

OF THE ASSESSOR OF SAID VILLAGE.

Sec. 1. The assessor shall have such powers, and discharge the duties prescribed in articles fourteen and fifteen of this act, and perform such other services as are provided for in said article. Assessor.

ARTICLE XI.

OF VACANCIES IN OFFICE.

Sec. 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, or at such other time as they may determine, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president. Vacancies in office.

ARTICLE XII.

OF THE COMPENSATION OF OFFICERS.

Sec. 1. The president and trustees shall not receive any compensation for attendance at the regular meetings of the board of trustees. Compensation of officers.

Sec. 2. The officers of said village (except as provided in this section one of this article) shall receive such compensation as the board of trustees shall, by resolution, direct.

ARTICLE XIII.

OF THE LIMIT OF TAXATION.

Trustees:
power of,
to raise
taxes.

Sec. 1. The board of trustees shall have power to raise by general tax (but not including highway and poll tax, otherwise provided for in sections two and three of this article) upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent upon the assessed value of such property to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act.

Taxes limit'd

Highway
tax.

Sec. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to taxation in said village, not exceeding in any one year the sum of one-half of one per cent upon the assessed value of such property, to be expended exclusively upon highways, streets, alleys and lanes of said village, as the board of trustees shall direct.

Poll tax;
who to pay.

Sec. 3. The board of trustees shall have power to levy and cause to be collected, in each and every year, a poll tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding the age of fifty years, except paupers, idiots, lunatics, and others exempted by the laws of this State, and in article twenty-five of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Limit of
highway
taxes.

Sec. 4. No other highway tax shall be levied and collected in said village excepting those mentioned in sections two and three of this article; and the tax specified in said sections shall be included in and subject to the same proceedings as by this act are required to be had upon the general tax.

Special tax.

Sec. 5. The board of trustees may cause to be raised such further sum as they may deem necessary, not exceeding the sum of two per cent upon the assessed value of property in said village, by special tax: *Provided*, That the consent of a majority of the electors of said village authorized to vote, who are

Proviso.

present and voting at an annual, or special meeting called for that purpose, first be obtained.

Sec. 6. Before any tax for such further sum can be voted for at any meeting, a notice must be published by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in the village newspapers, if there shall be any published in said village, and by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Notice of meeting to vote on tax.

Sec. 7. The vote on any special tax shall be by ballot, which shall have written or printed, or partly written and partly printed on the inside, the words "for the tax," or "against the tax," and be deposited in a separate box, to be labeled "village tax," and all other proceedings had therein shall be the same as provided for in this act for holding elections.

How vote shall be made.

Sec. 8. The proceedings for the assessing, apportioning, reviewing and collecting such tax so voted, shall be the same as those prescribed in this act for the raising of a general tax.

Proceedings for assessing tax, etc.

ARTICLE XIV.

OF THE ASSESSMENT OF TAXES.

Sec. 1. The assessor of said village shall once in each year, on or before the second Monday in May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of real and personal property in separate columns.

Assessment roll; contents of.

Sec. 2. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice by posting in at least six public places in said village, that on a certain day, and in a certain

Notice of time for reviewing.

place in said village, therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Corrections
in.

Sec. 3. The assessor, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll, as shall appear to him to be just and proper.

Assessor to
certify to
trustees.

Sec. 4. Immediately after the expiration of ten days, and review of the assessment roll as aforesaid, the assessor shall certify the said roll, under his hand, to the board of trustees of said village.

Trustees to
certify back
to assessor.

Sec. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special, and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section four, of article six of this act, which said certificate, endorsed on said assessment roll, shall be signed by the president and clerk of said village.

ARTICLE XV.

OF THE APPORTIONMENT OF TAXES.

Apportion-
ment of
taxes.

Sec. 1. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided in the preceding section, proceed to estimate, apportion and set down, in two separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general, special, and highway tax thereon; also, in a third column, opposite the particular description of individual lots, he shall set

down the sums severally assessed on said lots, as an assessment for special work done under section four, of article six of this act, to be paid by the owner or owners, or parties interested in such real and personal estate; and shall also set down in a fourth column, on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Sec. 2. Immediately after apportioning the tax as provided in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto under the hands of said assessor and the president of said village, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein opposite their respective names as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, to the treasurer of said village, by a certain day therein named, not more than forty days from the date of said warrant.

Marshal;
assessor to
deliver roll
to.

To collect
taxes.

Distress and
sale.

Sec. 3. The president and assessor may renew said warrant from time to time, by direction of the board of trustees.

Warrant
renewed.

Sec. 4. Whenever any special tax shall be voted to be raised as provided for in article thirteen of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate as set down in the annual assessment roll.

Basis of
special tax.

ARTICLE XVI.

OF THE COLLECTION OF TAXES.

Sec. 1. The marshal of said village shall, immediately after receiving the assessment roll with the warrant of the assessor thereunto annexed, as provided for in section three of the preceding article, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant.

When mar-
shal shall
proceed to
collect taxes.

Proceedings
when persons
refuse to pay

Sec. 2. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed as aforesaid, the marshal shall proceed to levy the same by distress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale thereon, the surplus shall be paid on demand to the owner or owners of such goods and chattels.

When mar-
shal may
levy and sell
goods and
chattels.

Sec. 3. In case any person upon whom any tax to be assessed in said village for personal estate shall have removed out of said village after the assessment, and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

When per-
sons may be
sued for
taxes.

Sec. 4. Whenever any tax which shall be assessed on personal property in said village shall be returned by the marshal for non-payment, under the provisions of this act, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax.

Return
of unpaid
taxes.

Sec. 5. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of taxes, or in the renewal of the time thereof by the said assessor, as provided for in section three, of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under and by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Sec. 6. The treasurer of said village shall preserve, in books to be by him kept for that purpose, a list of all lands returned to him delinquent for taxes by the marshal, as provided in the preceding section; and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum from the date of the warrant to the marshal as aforesaid, for the term of one year from the date of the warrant to the marshal, he shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

Treasurer to keep record of delinquent lands.

To sell lands at public auction.

Sec. 7. Before any land shall be sold for delinquent taxes, as provided in the preceding section, the treasurer shall give notice for at least six weeks, by publication in a newspaper published in said village, if any such should be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

To give notice of sale.

Sec. 8. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day until all is sold upon which there are taxes, assessments, and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest, and cost of sale, as aforesaid.

Proceedings on day of sale.

Sec. 9. In case less than the whole of any description shall be sold for the taxes, assessments, interest, and charges thereon, the portion thereof sold shall be taken from the north side of such description.

Portion of description to be sold.

Sec. 10. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands a certificate in writing, describing the land purchased, and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the said lands; and unless within one year from the date of such sale, there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her, or their heirs or assigns, the sum mentioned in such certificate,

Certificate of purchase.

Conveyance.

together with the interest thereon, at the rate of twenty per centum per annum, from the date of such sale, the treasurer shall, at the expiration of said one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns, a conveyance of the lands sold, which said conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed, acknowledged and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance.

When may
be used as
evidence.

ARTICLE XVII.

OF THE REGISTRATION OF ELECTORS OF SAID VILLAGE.

Board of
registration.

Sec. 1. The president, clerk, and one of the three trustees having the shortest term to serve, shall constitute the village board of registration.

Clerk to
provide
books.

Sec. 2. The clerk shall provide a suitable bound book, or register, at the expense of said village, so made and arranged as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said village clerk.

To make list
of voters.

Sec. 3. The clerk of said village shall, at any time (except as provided for in this act) on demand, enter in its alphabetical order the name of any person entitled to vote in said village under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Day for com-
pleting and
reviewing
list of voters.

Sec. 4. On the last secular day next preceding the day for holding any regular or special election of said village, after the year one thousand eight hundred and sixty-nine, the said board

of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who, at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing (except as provided by the laws of this State guarding the purity of elections in the several townships thereof).

ARTICLE XVIII.

OF ELECTIONS.

Sec. 1. The president, clerk, and one of the three trustees Election board. whose term of office will first expire, shall constitute the election board.

Sec. 2. The members of said election board shall, before entering upon the discharge of their official duty, take an oath or affirmation, to be administered one to the other, to support the constitution of the United States and of the State of Michigan, and to faithfully and impartially discharge their duties as judges of election, and said election board shall constitute the board of inspectors of election within the meaning of this act. Oaths of members of

Sec. 3. At any election held under and by virtue of the provisions of this act, (except at the first election otherwise provided for,) and before the polls shall be opened, the clerk of Clerk to place register of election in hands of board. said village shall cause the register of electors of the village of Chebaning to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein.

Township
registration
books to be
used at first
election.

Sec. 4. At the first election held in this village, under the provisions of this act, the registration books of the township of Chesaning of the qualified electors of said village, shall be used with like force and effect as the register of the electors of the village of Chesaning, provided for in this act.

Village registra-
tion not to
interfere
with that of
township.

Sec. 5. The registration of electors provided for in this act shall be used only for elections for village purposes, and shall not be construed to interfere with the registration of electors, or the elections of the township of Chesaning.

Powers of
board of
registration.

Sec. 6. The board of registration and election in said village shall exercise the same powers to preserve the purity of elections as are now, or may hereafter be given by law to boards of registration and election in the several townships in this State, except as modified by the provisions of this act.

ARTICLE XIX.

OF PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

Proceedings
when private
property is
taken.

Sec. 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by personal service, or by written notice posted up in three of the most public places in said village, to the owner or parties interested in said lands, his, her or their legal representatives, at least three weeks next preceding the meeting of said board of trustees, of the intention of said board of trustees to take such land for the purposes aforesaid; and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her or their legal representatives; and if, at the expiration of the time limited as aforesaid, for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Chesaning to issue a *venire facias*, to command the marshal of said village, or any constable of

Notice to
owner.

Summoning
of jury.

the county of Saginaw, to summon and return a jury of twelve disinterested freeholders, residing within said county, to appear before said justice at a time therein stated, to inquire into the just compensation to be paid therefor to the owner or owners, his, her or their legal representatives, which jury, being first ^{Jury to} ^{award} ^{damages.} duly sworn by said justice, faithfully and impartially to inquire [into] the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her or their legal representatives therefor, for their respective losses, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with the ^{Compensat'n} ^{tendered to} ^{owner.} costs, shall be paid or legally tendered, before such land, grounds or premises shall be taken for the use of said village to the person or persons, his, her or their legal representatives in whose favor the said judgment shall be rendered; it shall thereupon be lawful for the board of trustees to cause the said land, ground or premises to be occupied and used for the purposes aforesaid.

Sec. 2. The board of trustees, or any party or parties claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Saginaw, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days; or, in case of the absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury and the judgment of said justice, as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court for the county of Saginaw, the same proceedings shall thereupon be had as is prescribed by law in other cases of appeal: ^{Right of} ^{appeal.} *Provided*, That if final judgment for damages in said circuit ^{Proviso.}

court shall not exceed the damages assessed before the said justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

ARTICLE XX.

OF PUBLICATION.

Publication;
how shall be
construed.

Sec. 1. Whenever publication shall be required by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in the newspaper of said village, if any such shall be published therein, and if not, then by posting up in at least three of the most public places in said village.

What to
be deemed
evidence of
publication.

Sec. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the clerk of said village when publication is made by posting up, as provided for in this act, of notice of tax sale, or passage of any by-law, rule, regulation or ordinances of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

ARTICLE XXI.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

Annual
statement.

Sec. 1. The board of trustees shall, at the expiration of each year, cause to be made out and published, a true statement, in writing, of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, together with the estimated receipts and disbursements for the ensuing year.

ARTICLE XXII.

OF DEPUTIES.

Deputies.

Sec. 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints, exercise the same powers, and be bound by the same responsibilities as the marshal, duly appointed under the provisions of this act.

ARTICLE XXIII.

OF MONEYS COLLECTED BY THE MARSHAL.

Sec. 1. The marshal shall pay all moneys collected by him ^{Marshal to pay all moneys to treasurer.} by virtue of his office, except as herein otherwise provided, within twenty days after receiving the same, to the treasurer of said village.

Sec. 2. The treasurer of said village shall give a receipt, in ^{Treasurer to give receipt.} writing, signed by him as such treasurer, to the marshal, or other person paying money to him on account of said village, acknowledging the receipt of the same.

ARTICLE XXIV.

OF HIGHWAYS.

Sec. 1. The said village shall be exempt from the superin- ^{Highways.} tendence and control of the commissioners of highways of the township of Chesaning, except for the purpose of building, maintaining and repairing the bridges across the Shiawassee river within said village; the township of Chesaning and the ^{Village to be deemed township for bridge purposes.} said village shall be deemed the township of Chesaning, as the said township existed before the passage of this act, and shall be subject to the provisions of the general laws of this State, relative to the building, maintaining and keeping in repair such bridges, and in no case shall the said village be liable or bound to build, maintain or keep in repair such bridges.

Sec. 2. All moneys collected for highway purposes shall be ^{Highway fund; how kept.} kept a fund separate and apart from the general fund, and no money shall be appropriated or paid from said fund, except for highway purposes.

ARTICLE XXV.

OF PRIVILEGES OF FIREMEN.

Sec. 1. Each member of the fire department, or an engine, ^{Firemen to be exempt from poll tax and jury service.} hook and ladder, bucket or hose company, duly organized by the board of trustees, shall be exempt from poll tax, and shall also be excused from serving on juries.

LAWS OF MICHIGAN.

ARTICLE XXVI.

OF THE POWER TO BORROW MONEY.

Power to
borrow
money.

Sec. 1. The board of trustees of said village shall have power to borrow money for public improvements, on the credit of said village, not exceeding one thousand dollars in any one year, provided the same may be authorized as required in section five, of article thirteen of this act.

ARTICLE XXVII.

OF THE SAGINAW COUNTY JAIL.

Corporation
allowed use
of county
jail.

Sec. 1. The corporation shall be allowed the use of the common jail of the county of Saginaw for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation, or ordinance passed by virtue thereof, and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, The said county of Saginaw shall in no manner be chargeable with the cost and expenses of such imprisonment in civil cases.

Provided.

ARTICLE XXVIII.

OF THE COMPETENCY OF CITIZENS.

Competency
of citizens.

Sec. 1. No person shall be deemed an incompetent judge, witness or juror in any case in which said corporation is interested, by reason of his being an inhabitant of said village, except as provided for in article nineteen, section one of this act.

This act shall take immediate effect.

Approved April 3, 1869.

[No. 418.]

AN ACT to authorize the township of Portsmouth, in the county of Bay, to issue its bonds to aid in the construction of a bridge across Saginaw river.

SECTION 1. *The People of the State of Michigan enact, That* Bonds; when may be issued
the township board of the township of Portsmouth, in Bay county, shall, upon a petition of thirty of the tax-paying electors of said township, at such time as said township board may designate, submit to the electors of said township the question of loaning the bonds of said township for the purpose of building a bridge across Saginaw river; and if a two-thirds majority of the voters, voting on said loan, shall vote in favor of said loan, said board shall at a subsequent meeting or meetings thereof, issue the bonds of said township under the regulations contained in this act, to aid in the construction of a bridge across said Saginaw river: *Provided*, Said township board shall *Provide*.
cause notices to be posted in four places in said township twenty days previous to said election; also, said notice be printed in a Bay City paper for three successive weeks.

Sec. 2. Such bonds shall be signed by the chairman and clerk By whom signed.
of said board, and may be issued to an amount not exceeding Amount of.
fifteen thousand dollars, in sums not less than five hundred dollars each, bearing interest payable annually, at a rate not exceeding ten per centum per annum, represented by coupons in the usual form; the bonds shall be drawn to the order of the How drawn.
company to which they are loaned, and shall be made payable not more than twenty years after the date of the issue thereof.

Sec. 3. The township board of said township of Portsmouth shall loan said bonds under the regulations contained in this Township board to loan.
act, to the "Kossuth Street Bridge Company," the object of said company being the construction of a bridge from the village of Portsmouth, across the Saginaw river, to the west bank of said river; and said board may provide by taxation upon the Board to levy tax for payment of.
real and personal property within said township of Portsmouth, for the payment of interest and principal when the same shall become due, said board being hereby authorized to levy and

collect whatever may be necessarily assessed for said purpose in the same manner provided for the levying and collecting of other taxes.

Board to receive security for payment of bonds.

Sec. 4. When said board shall have issued said bonds, before the delivery thereof, they shall receive such security for their payment at maturity by said company, and for the payment of the interest on said principal as it shall become due and payable, as shall be deemed satisfactory to said board.

When company shall receive bonds.

Sec. 5. When said company shall have expended fifteen thousand dollars toward the construction of a bridge across the Saginaw river, as named in section three of this act, and not before, shall said township board issue and deliver to said bridge company, the whole amount of the bonds so voted.

Sec. 6. This act shall take immediate effect.

Approved April 3, 1869.

[No. 419.]

AN ACT to incorporate the village of New Buffalo, Berrien county.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situate within the township of New Buffalo, in the county of Berrien, in the State of Michigan, which is known and described as follows, to wit: The south-east quarter and north-east fractional quarter of section nine, all of section ten, according to the original survey of the same, and the west half of the north-west quarter and the west half of the south-west quarter of section eleven, of township eight south, of range twenty-one west, be and the same is hereby made and constituted a town corporate, by the name, style and title of the village of New Buffalo.

Elections.

Sec. 2. The electors of said village shall meet at the school-house in said village on the second Monday in April, one thousand eight hundred and sixty-nine, and on the first Monday in

March annually thereafter, at such place within the limits of said corporation as shall be designated by the president and trustees, and there, by ballot, shall elect by a plurality of votes, one person to be president of said village; three persons shall in like manner be elected trustees, who shall hold their offices Officers and terms of office.

for the term of one year; three persons shall also be elected trustees, who shall also hold their offices for the term of two years; one person shall be elected recorder, who shall hold his office for the term of two years; one person shall be elected treasurer, one person shall be elected marshal, and one person shall be elected assessor, who shall hold their offices for the term of one year; and annually thereafter, a president, treasurer, marshal, and assessor shall be elected, who shall hold their offices for one year, and three trustees shall be so elected, who shall hold their offices two years; and biennially after said first election shall be elected one recorder, who shall hold his office for the term of two years; but if an election of president and trustees shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election.

The president and the three trustees thus elected, together with the three trustees whose term of office is unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less

number may adjourn from time to time. The president shall be the chief executive officer of the village; he shall preside at all the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall, in the absence of, have all the powers and perform all the duties of the president. Duties of president.

Sec. 3. It shall be the duty of George F. Collett, for the first election under this act, and of the recorder for all subsequent Notice of election.

Polls; when
to be open'd
and closed.

elections, to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some newspaper printed in the village; and at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and at the close of the polls the ballots shall be counted, and a true statement of the result thereof proclaimed to the electors present, and the recorder shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their duties on the following Monday.

First
election.

Board of
inspectors.

Duties of.

Judges and
clerk of
election.

Powers of.

All officers
to take oath.

Sec. 4. At the first election to be holden under this act in said village, there shall be chosen by the qualified electors then present, from among their number, two judges and one clerk of said election, who, together, shall constitute the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election, and certify the result thereof; and at all subsequent elections the president and one or more trustees shall be judges of the election, and in case of the absence of the president, or his inability to serve, any two or more of the trustees shall be such judges, and the recorder of the village, or his substitute, shall be clerk of the election; and the judges and clerk shall take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as judges and clerk of such election; and said board shall have such power to preserve the purity of the elections, and conduct the canvass thereafter in the same manner as is now or may hereafter be given to township boards of election by general laws of this State.

Sec. 5. The president, and every other officer elected under the provisions of this act, before he enters upon the duties of

his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee or other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office, according to the best of his ability, a record of which oath or affirmation shall be made and kept by the recorder, who shall attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by this act, and by the by-laws and ordinances of the village.

Sec. 6. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted by this act, under the name of the president and trustees of the village of New Buffalo, and may have a common seal, which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time sell and convey the same, and may sue and be sued, defend and be defended in any court; but when any suit shall be commenced against the corporation the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village, at least six days before the return thereof: *Provided*, That in case such summons cannot, for any reason, be served upon the president, it may be served on any one of the trustees.

Sec. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and the same to alter and repeal at pleasure, for the following purposes, viz: For the preservation and maintenance of the corporate property and public places and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances, and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department and define their duties, and prescribe penalties for their delinquencies; to restrain, apprehend, and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets and other public places; to suppress

Disorderly houses.	and restrain disorderly and gaming houses, and other devices and instruments of gaming; and shall have the exclusive power
Tavern keepers.	and authority to license such persons as tavern-keepers and common victualers, as they shall think best, (but no license shall be in force except during the life of the board granting it); to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors, or apprentices; to prevent and punish immoderate riding or driving in the streets; to abate, prevent, and remove nuisances; to suppress all disorderly houses and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments, and obstructions upon the streets, walks, lanes and alleys, parks and public grounds; to compel the owners or occupants of lots to clear sidewalks in front of and adjacent thereto, of dirt, mud, boxes, and every incumbrance or obstruction thereto; to regulate the storage of powder, lumber, or other combustible material; to prevent the use of fire-arms, slung-shots, and other weapons and fire-works; to regulate the sale of hay, wood, lime, and lumber; to maintain, and regulate pounds, and provide for the restraint of horses, cattle, sheep, swine, mules, and other animals, geese and other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to construct hydraulic works to supply the village with water; to establish wells and cisterns, and prevent the waste of water; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to purchase ground for and regulate cemeteries and the burial of the dead, and to provide for the return of bills of mortality, and to order the use for burial purposes of any burial ground or cemetery to be discontinued, whenever they shall deem the same necessary for the best interests or health of the citizens; to ascertain, establish and settle the boundaries of all the streets and alleys, and to establish the grades therefor; to regulate the building of partition fences; to prevent the erection of buildings in an unsafe manner, and to pass all necessary
Liquors.	
Houses of ill-fame.	
Clearing of sidewalks.	
Powder.	
Pounds.	
Dogs.	
Hydraulic works.	
Cemeteries.	
Boundaries of streets.	

regulations relative to buildings deemed unsafe; to regulate ^{Hazardous buildings.} the construction of smiths' shops, planing establishments, bakeries, and all other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers, and fees of the village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks, and ^{Sidewalks.} repairing the same; to grade the walks, streets, alleys, and to prescribe the manner of planking or paving them, the cost and expense of which to be paid by assessment on the lots in front or adjoining which either or all of such improvements shall be made, but not otherwise; but no one of said improvements, except paving, shall be made, unless the individuals owning one-half of the property to be assessed for the same improvements shall petition the president and trustees for that purpose; to ^{Highways.} construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collecting of the highway and other taxes; to provide for the taking of a census whenever they shall see fit; to tax and regulate ^{Theatres.} theatres, shows, and concerts; to regulate and tax, at their ^{Auctions.} discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawnbrokers; to rail and curb, when ^{Railing walks.} necessary, all walks, at the expense of the owners of the adjoining lots; to levy taxes, not exceeding one per cent. upon the ^{Levying taxes.} assessed valuation thereof, exclusive of school and highway taxes, on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, excepting also, places of public worship belonging to any church or congregation, and all grounds or buildings used exclusively for educational purposes; to take the lands of any individual ^{Taking private property.} for the purpose of constructing, widening, or extending streets, but not until said individual shall be paid the value thereof, and of all buildings upon said lands, and all damages he will sustain, as provided for in this act. For the violation of any by- ^{Fines and penalties.} laws, rules and regulations, such reasonable penalties and fines

may be imposed by the law itself as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of New Buffalo; and any interest the inhabitants of the village of New Buffalo, as a corporate body, may have in the fine and penalty to be recovered, shall not disqualify any inhabitant of said village to try such cause, or serve as juror, or be a witness therein; and the circuit court of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Citizens to
be competent
as jurors.

Taxes to be
a lien on
property.

Sec. 8. All taxes levied upon real estate, and all assessments made thereon, for opening, widening, extending, paving, grading, planking or repairing a street or alley, or making and repairing sidewalks, shall remain a lien upon said estate until paid.

Annual
statement.

Sec. 9. The president and trustees shall, at the expiration of each year, cause to be made out and published in some newspaper printed in said village, if one shall be printed therein, and if one is not printed, then to be posted on the outward door of the building where the last annual election was held in said village, a true statement, exhibiting in detail all items of receipts and expenditures of the preceding year.

When by-
laws, etc.,
shall take
effect.

Sec. 10. No by-laws or ordinances of said corporation shall have any effect until the same shall have been published three weeks successively in a newspaper printed in said village, or by written notices posted up in three of the most public places in said village; and an affidavit of said publication in the manner aforesaid, entered at large on the records of the corporation by the recorder thereof, or the publisher of the paper, if it be printed, shall be deemed *prima facie* evidence of such publication.

Assessment
roll.

Sec. 11. It shall be the duty of the president and trustees, once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, to estimate, apportion and set down, in a column left for that purpose, opposite to the several sums set down

as the polls and value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, but not until they shall first give ten days' notice, by publishing thereof, of the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any party deeming himself aggrieved may be heard; and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed; and then they shall cause said assessment roll, or a copy thereof, to be delivered to the marshal of said village, with a warrant annexed to the same, under the hands and seals of said assessor and trustees, or a majority of them, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names, as the tax or assessment, and authorizing him, in case any of them shall refuse or neglect to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the trustees may deem best; and when any assessment shall be made for any special improvement, it shall be legal, even if it is not made at the time of making the yearly list, notice being given and a meeting being held for the review of said assessment, as herein provided.

Notice of
time for
reviewing.

Marshal to
collect taxes

Special as-
sessment to
be legal.

Sec. 12. If any person shall refuse or neglect to pay the sum or sums at which he shall be taxed or assessed as aforesaid, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving public notice thereof as required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of tax or assessment, with the charges of dis-

Proceedings
in case of
refusal to
pay taxes.

tress and sale, the surplus shall be paid to the owner of such goods and chattels, on demand.

Real estate;
taxes on.

When may
be sold at
auction.

Notice of
sale.

Proceedings
on day of
sale.

Certificate
of purchase.

Conveyance.

Sec. 13. The tax upon real estate, with the assessments, for the purpose named in the eighth section of this act, shall be put down in said assessment roll by itself in a column; and whenever any such tax or assessment, and the interest thereon, which shall be computed at the rate of ten per centum per annum until paid, shall remain unpaid for one year from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such taxes and assessment, and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments, and interest, together with all charges thereon, first giving at least seven weeks' notice of the time and place of such sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village; and an affidavit of such publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Sec. 14. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid; and the said treasurer shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased and the sums paid therefor, and the time when the purchaser will be entitled to a deed of said lands; and unless within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty-five per centum per annum, from the date of such certificate, the treasurer, or his successor in office shall, at the expiration

of said one year, execute to the purchaser, his heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an estate in fee simple, except it may appear that the tax or taxes have been paid, subject to all the claims the State may have thereon; and the said conveyance shall be *prima facie* evidence that the sale and all things pertaining thereto was regular, according to the provisions of this act; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner, and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, may be given in evidence.

When may
be given in
evidence.

Sec. 15. The treasurer of said village shall receive the same fees in cases of sale as aforesaid, and conduct the sale in like manner as provided by law for the county treasurer for like services; and the expenses of advertising any land for sale in pursuance of this act, shall, by the treasurer, be added to such taxes, respectively, as are charged upon lands and unpaid, in proportion to the amount of such person's tax as charged and unpaid.

Fees of
treasurer.

Sec. 16. No money shall be drawn from the treasury except by appropriation of the president and trustees, and orders directing the payment of any and all sums of money shall specify the object and purpose of the same, and the fund from which it is to be paid, and shall be signed by the recorder and countersigned by the president.

Money; how
drawn from
treasury.

Sec. 17. No member of the board of trustees, during his continuation in office, shall become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act; and during the term for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Trustees not
to become
security or
be interested
in any con-
tract.

Highway
fund; how
kept.

Sec. 18. All money assessed and raised for highway purposes, shall be kept a fund separate and distinct from the general fund, and no money shall be appropriated or paid from such highway fund except for highway purposes.

Officers to
give bond.

Sec. 19. The president and trustees may and shall require of any of the officers appointed or elected under the provisions of this act, such security, by bond, for the performance of the duties of their respective offices, as shall be thought expedient, which bond shall run to the president and trustees of the corporation and their successors in office, and suit may be brought for any breach of said bond as in other cases, before any justice of the peace of the township of New Buffalo, or the circuit court of the county of Berrien, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

Justices of
the peace;
powers and
duties of.

Sec. 20. Any justice of the peace of the township of New Buffalo shall have full power and authority, and is hereby authorized and empowered to hear, try and determine any cause which may arise under this act, and for that purpose to hold a court in and for said village of New Buffalo, and shall have cognizance of all matter arising under and by virtue of this act, and the by-laws and ordinances of the president and trustees, and shall have jurisdiction to hear complaints, to conduct examinations in criminal and civil cases, and to try offenses which may hereafter arise within the corporate limits of said village of New Buffalo, in like manner and with like effect as may be done by the general laws of this State, and with like fees; and all processes shall be tested and made returnable, and the proceedings shall be conducted in the like manner as prescribed for justices of the peace by the laws of this State, and appeals may be taken from judgments rendered, in the same time and in the same manner as provided in other cases.

Marshal.

To be chief
of police.

Sec. 21. The marshal shall have the general supervision of the village, and see that the laws are enforced, and by virtue of his office shall be high constable and chief of the police, with the powers belonging to the constables of any township, hav-

ing power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe that a felon is secreted or harbored, and where any person [is] who has committed a breach of the peace, or where any felony or breach of the peace is being committed; to arrest disorderly persons and felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of New Buffalo, (who shall hear and determine the matter, on proof, in a summary way); to compel the citizens to aid in extinguishing fires; to serve all processes issued in pursuance of this act, or any by-law of said village; to appoint deputies, with powers similar to his own: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

To enter disorderly houses.

To arrest felons.

Proviso.

Sec. 22. The marshal shall at all times be subject to the control and supervision of the president and trustees in the discharge of his official duties, and he may be removed from office by a majority of their whole number, for any refusal or neglect to comply with their orders and directions, or for any gross neglect in the discharge of other official duties, but the cause of such removal shall in all cases be made a matter of record by them.

To be subject to control of trustees.

Sec. 23. A vacancy in the office of recorder, marshal, treasurer or assessor, or either of them, whether by death, resignation or otherwise, shall be filled for the unexpired term, by appointment, to be made by the president and trustees; and any vacancy in the number of trustees shall be filled in the same manner.

Vacancies; how filled.

Sec. 24. The president and trustees shall each receive, as compensation for services, at the rate of one dollar per day for the time they are actually employed. The marshal shall receive such salary as the president and trustees may prescribe, not exceeding the sum of fifty dollars in each year, which shall be full compensation for all services rendered by him. The recorder, treasurer and assessor, shall each receive such compensation as the president and trustees shall direct.

Compensation of officers.

Corporation
allowed use
of county
jail.

Sec. 25. The corporation shall be allowed the use of the common jail of the county of Berrien for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases: *Provided*, The county shall in no manner be chargeable with the costs and expenses of such imprisonment in civil cases.

Proviso.

Firemen to
be exempt
from poll
tax and jury
service.

Sec. 26. Each member of the fire department, or of an engine, hook and ladder, bucket or hose company, duly organized by the president and trustees, shall be exempt from poll tax or serving on juries; and the president and trustees may pass such laws as they may deem proper to prevent or extinguish fire, and to annex penalties for the violation thereof, and to compel the assistance of the citizens to aid in extinguishing any fire.

Trustees to
be com'rs
of streets.

Sec. 27. The president and trustees shall be the commissioners of streets and highways, and, within the limits of the village, shall have the same power and perform the same duties as now by law belong to commissioners of streets and highways in the several townships of the State; and shall appoint the overseers of highways to repair and keep in order the highways, streets and alleys, and shall cause a tax to be levied and collected as taxes usually are for constructing and repairing roads in the different townships, and shall have exclusive control of the highway moneys levied and collected in the village:

To appoint
overseers of
highways.

Proviso.

Provided, That their power to order fences to be removed, and remove such fences themselves, and to open, widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise such power at any time during the year: *And provided further*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of New Buffalo, for the repairing, building or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or im-

Ibid.

proving any highway of said township, or for any damage for which said township may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair.

Sec. 28. The lands within the limits of the corporation of the village of New Buffalo, and such contiguous territory as is or may hereafter be thereto annexed for school purposes, shall constitute a single school district, and be known and designated as "school district number one of the township of New Buffalo," and such district shall have all the powers and privileges conferred upon school districts by general law:

First. At the annual meeting of said district, to be held on the first Monday of September, one thousand eight hundred and sixty-nine, the qualified voters thereof shall elect by ballot six trustees, two each for one, two, and three years, who shall, together, constitute a district board of education; and annually thereafter, in the same manner, they shall elect two trustees, who shall hold their offices three years, and until their successors shall have been elected and qualified; and also, at the same time and in the same manner, shall fill all vacancies that may exist in said board;

Second. Within ten days after each annual meeting, the trustees thus elected shall meet and elect from their own number a president, secretary and treasurer, whose powers and duties shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are increased or modified by the provisions of this act, or by former special acts passed for the benefit of said district. Said board shall have the power to fill any and all vacancies that may occur in their number, until the next annual meeting;

Third. Said board shall have the power to hire any and all necessary teachers for the several schools of said district, and fix the amount of their compensation; and all teachers employed by said board shall be considered as legally qualified, without examination by any school inspector or other officer; to

classify and grade said schools, and determine the ages and qualifications for admission thereto: *Provided*, No scholars otherwise entitled to admission, and between the ages of five and eighteen, shall be excluded therefrom; to adopt courses of study and text books for the use of said schools, and to enact such rules and by-laws as may be necessary for the preservation of all the property belonging to said district, for the government of the schools, and in reference to all business connected therewith, and also to levy and collect such sums as they may deem proper for the tuition of each and every scholar taught in said district who is not actually a resident thereof;

How school money shall be levied.

Fourth. The qualified voters of such district may, by vote, at the annual meeting, or at any special meeting called for that purpose, raise by tax on the taxable property of the district, such sums as shall be necessary to make the several schools of the district free of tuition in English branches to the resident scholars thereof;

Non-resident scholars.

Fifth. The treasurer of said district shall have the power, in the name of the district, to collect all moneys due for the tuition of scholars who are not actually residents thereof, by suit at law, under the direction of the said district board;

Board to publish its rules and by-laws.

Sixth. The said board shall publish the rules and by-laws they may from time to time enact, by posting them wherever a school is held and kept in said district, and the secretary of said board shall also record the same in a book to be kept for that purpose;

Fine for refusal to serve.

Seventh. Every person elected to the office of trustee of said district, who, without sufficient cause, shall neglect or refuse to serve therein, shall forfeit for the use of said district the sum of ten dollars: *Provided*, That no person shall be compelled to serve two terms successively; and the said board shall have power to make all needful rules and regulations relative to its proceedings, and to punish, by fine, not exceeding five dollars for each offense, any member of the board who may, without sufficient cause, absent himself from any meeting thereof, said penalties to be collected as the board may direct.

Provido.

Sec. 29. All moneys received for licenses granted to tavern-keepers or common victualers under the provisions of this act, shall be paid to the treasurer of said district, to be applied to the support and maintenance of schools therein. All license money to be paid to treasurer.

Sec. 30. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence without further proof. Public act.

Sec. 31. This act shall take immediate effect.

Approved April 3, 1869.

[No. 420.]

AN ACT to incorporate the village of White Pigeon.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. all that tract of land situated in the township of White Pigeon, county of St. Joseph, and State of Michigan, included within the following boundaries, to wit: Commencing at a point in the east and west quarter line of section one, town eight south, of range twelve west, where the said line is intersected by the east line of the Michigan Southern and Northern Indiana railroad, running thence south and east along the line of said railroad until it intersects the north and south quarter line running through sections six and seven, town eight south, of range eleven west, thence north to the east and west quarter line of section six, thence west along quarter line of section six and one aforesaid, to place of beginning, be and the same is hereby constituted a village corporate under the name of the village of White Pigeon.

Sec. 2. The following officers of the corporation shall be Officers. elected by the qualified electors of said village, at the village election to be held on the second Tuesday in April, A. D. one thousand eight hundred and sixty-nine, and annually thereafter:

One president, one recorder, one treasurer, one assessor, one marshal, and six trustees: *Provided*, That if an election of such officers shall not be made on said second Tuesday in April, it shall be lawful to hold such election at any time, by giving notice thereof as provided in this act.

Body corporate and politic.

Sec. 3. The president and trustees of said village shall be a body corporate and politic, under the name of the common council of the village of White Pigeon, and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law or equity, and in all other places whatever; and may have a common seal, and may alter and change the same, and by the same name are hereby made capable of purchasing, holding, conveying, and disposing of any real or personal estate for said village.

Common council to appoint overseers of highways.

Sec. 4. The common council shall appoint annually an overseer or overseers of highways, and all such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties, but any such appointment shall be made at a regular meeting of the common council.

All officers to be electors.

Sec. 5. No person shall be elected or appointed to any office created by this act, unless at the time of such election or appointment he shall be an elector of said village, and shall have resided in said village three months next preceding his election.

Officers to take oath and file security.

Sec. 6. All officers elected under the provisions of this act, and all officers appointed by the common council, shall, within ten days after notice of their election or appointment, take and subscribe before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and file the same with the village recorder; and every such officer, before he enters upon the duties of his office and within the time limited for filing his official oath, shall file with the village recorder such security for the due performance of the duties of his office as may be required by law or by any order

of the common council, and to be approved by the common council.

Sec. 7. All officers elected or appointed in pursuance of the provisions of this act shall enter upon the duties of their offices immediately upon filing the required oath and security. All officers elected to fill a vacancy shall hold for the residue of the unexpired term thereof, and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office not to exceed one year or until the same expires by its terms of appointment, or until the common council revoke their appointment or accept the resignation of such officer. Terms of office.

Sec. 8. The common council shall have power to remove from office any officer appointed by them for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council, but such removal shall not exonerate any such officer or his sureties from any liability incurred. Power of council to remove officers.

Sec. 9. If any officer elected or appointed to any office of the corporation shall neglect to file their oath of office as in this act directed, or shall neglect to file an official bond when the same is required, within the time herein specified, such neglect may be deemed a refusal to serve, and the common council may proceed immediately to cause such office to be supplied as in case of a vacancy. What deemed a refusal to serve.

Sec. 10. In case a vacancy shall occur in the office of president, the same may be supplied by a special election; and in all other cases of vacancy the same may be supplied by appointment by the common council for the unexpired term. Vacancy in office of president.

Sec. 11. The inhabitants of said village, being electors under the constitution of the State of Michigan, and no others, shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case Who deemed qualified electors.

of challenge at general and special elections in this State, the word village instead of township being used in the oath.

Time of
holding
elections.

Sec. 12. After the first election, the annual village election shall be held on the first Tuesday in March in each year, and special elections may be held at such times as the common council shall, by resolution entered upon their records, designate.

Notice of.

Sec. 13. Notice of the time and place of holding any election shall be given by the village recorder five days before such election, by posting such notice in three public places in said village, and by publishing the same in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election as fully as the same is set forth in the resolution appointing such election; and on the day of election held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon and close at four o'clock in the afternoon of the same day.

Inspectors *
and clerks of
election.

Sec. 14. The common council or any two of its members shall be the board of inspectors of election, and the recorder of said village shall be the clerk of such board; if the recorder be absent, the board may appoint a clerk.

Proceedings
at elections.

Sec. 15. It shall be sufficient to keep but one poll list at any election held for said village; and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon certify and declare in writing the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours after such certificates shall have been so filed, the common council shall convene at their usual place of meeting, and then determine what persons are elected to the several offices respectively, and cause such determination to be entered upon their records; and if any

officer shall not have been chosen by reason of two or more tie; how
 candidates having received an equal number of votes, the com- decided.
 mon council shall determine by lot which of such persons shall
 be elected.

Sec. 16. It shall be the duty of the village recorder, within Recorder to
 five days after the meeting and determination of the common notify per-
 council, as provided in section fifteen, to notify each person sons of their
 elected of his election, and also within five days after the com- election.
 mon council shall appoint any person to any office, the recorder
 shall notify such person of such appointment.

Sec. 17. The expenses of all elections to be held as provided Expenses of
 by this act shall be chargeable to said village, and paid as other elections;
 contingent expenses. how paid.

Sec. 18. It shall be the duty of the president to preside at Village offi-
 all meetings of the common council, and he shall be the chief cers; powers
 executive officer of the village. It shall be his duty to cause and duties
 the appointed officers of said village to comply with and faith- of
 fully discharge their official duties, and cause all laws pertain- President to
 ing to the municipal government of said village, and all ordi- see that offi-
 nances, resolutions and regulations of the common council to cers perform
 be observed and executed, and to exercise supervision and con- their duties.
 trol over the conduct of such officers as may be appointed by
 the common council, and to examine all complaints against
 them for neglect of duty; to recommend to the common coun- To maintain
 cil such measures as he shall deem expedient, to expedite such peace and
 as shall be resolved upon by them, and in general to maintain good order.
 the peace and good order and advance the prosperity of the
 village; and whenever in his opinion the peace and safety of
 the inhabitants of the village require it, he may at any time
 appoint one or more policemen or watchmen, who shall be con-
 servators of the peace, and who shall have the same power to
 make arrests and suppress disturbances as is conferred by this
 act upon the village marshal.

Sec. 19. It shall be the duty of every trustee in said village Trustees.
 to preside at elections when necessary, to attend the regular
 and special meetings of the common council, to vote upon all

motions, to act upon committees when thereunto appointed by the president, and to assist the president in maintaining peace and good order, and in advancing the prosperity of the village.

Recorder to
keep books,
papers, etc.

Sec. 20. The village recorder shall safely keep the corporate seal and all books, papers, and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account, in books provided for such purpose, under appropriate heads, of all expenditures and of all orders drawn upon the village treasury, which account shall specify the purpose for which such orders were drawn.

To make cer-
tified copies
of records.

Treasurer to
keep acc't of
receipts and
expenditures

Sec. 21. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received, and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder and countersigned by the president; and he shall exhibit to the common council, as often as they may require, a full and detailed account of all receipts and expenditures, and shall also, when so required, exhibit a general statement showing the financial condition of the treasury, and all other matters relating to his office.

Marshal to
be chief of
police.

Sec. 22. The village marshal shall be chief of the police of the village, and he shall see that the laws are enforced. It shall be his duty to collect village taxes, to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by law on constables elected in townships. He shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending

To arrest
offenders.

against any of the provisions of this act, or the by-laws and ordinances of the village, and to take such person before any justice of the peace of the town of White Pigeon, to be dealt with as the law and ordinances of said village shall provide; and may apprehend and imprison any person found drunk in the streets of said village until such person shall become sober; and he shall have power to enter into any disorderly or gaming house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance, in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary: *Provided*, That nothing in this act shall be construed into his serving processes issued by any justice of the peace in civil cases.

To enter disorderly-houses.

Sec. 23. The president and trustees, when assembled and duly organized, shall constitute the common council of the village of White Pigeon, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; but no tax or assessment shall be ordered, nor any appointment of any person to office be made, nor shall any person be removed from office, except by a vote of two-thirds of the members of the common council.

Common council.

Quorum of

Sec. 24. The common council shall meet at such times and places as it shall determine, and at such other times and places as the president, or, in case of his absence, the president *pro tempore*, shall appoint. The common council shall, at its first meeting after each annual election, appoint one of the trustees to be president *pro tempore*; and if at any meeting of the common council neither the president or president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Meetings of

President pro tem.

Sec. 25. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers

To prescribe its own rules

To pass laws relative to real and personal property.

and duties specially conferred upon them in this act, shall have the management, control and supervision of the highways, streets, lanes, alleys, parks and public grounds in said village; of the finances, rights and interest, building, and all property, real and personal, belonging to said village, and may make such ordinances and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable and proper within said village, in relation to and for the following purposes: To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to restrain, apprehend and punish vagrants, drunkards and disorderly persons; to suppress and restrain all disorderly houses and houses of ill-fame; all gambling houses and places where persons resort for gaming, or to play at games of chance, and to punish the keepers thereof; to restrain, regulate or suppress billiard tables and bowling alleys; to prevent and regulate the selling or giving away of any spirituous or fermented liquors; to prohibit and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law; to license and regulate auctioneers, peddlers and pawnbrokers; to prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances or exhibitions for money; to prevent the violation of the Sabbath; and to require all saloons, drinking houses, shops, and other places of business, to be closed on the Sabbath day, and at reasonable hours of the night on week days; to prohibit, prevent, abate and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be nuisances; to regulate the buying and selling and using of gunpowder, fire-crackers and fire works, and other combustible material; to prevent the incumbering or obstructing of streets, sidewalks, cross-walks,

Vice.

Riots.

Vagrants.

Disorderly houses.

Billiard tables.

Liquors.

Auctions.

Showmen.

Violation of the Sabbath.

Nuisances.

Gunpowder.

Obstructions in walks.

lanes, alleys, gutters, sewers, in any manner whatever; to Fast driving. provide against horse-racing or immoderate driving or riding in any street; to establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep and other animals; to license all drays, omnibuses, hacks, Drays. and other vehicles used for transportation of persons and property for hire; to license persons to engage in and exercise the business or occupation of tavern keeper, common victualer and saloon keeper, and to impose such fees for such license as the common council may see fit; and to impose penalties upon all Fines and penalties. persons engaging in such occupation or business without such license: *Provided*, That no such license shall authorize the sale Proviso. of spirituous or malt liquors; to construct reservoirs wherever needed; to construct sewers, drains and wells; to grade, gravel, pave, repair, and otherwise improve the streets; to construct, repair and renew sidewalks, and to make such other improvements as may conduce to the general good and prosperity of said village; and to make all other ordinances and regulations that the common council may deem necessary to the safety, order and good government of said village.

Sec. 26. The common council shall have power to establish, Fire department. maintain, and regulate all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire engines and such other implements and instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of such village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every Firemen to make their own laws. such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire engine, hose, hooks and ladders, and other instruments and implements of the company in good and perfect

When shall meet. repair; and it shall be the duty of each fire company to assemble once at least in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire engine and other implements in his charge, with a view to keeping the same in perfect order and repair;

Duty of, at fires. and upon any alarm or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer, or other person for the time being lawfully acting as chief engineer of the fire department.

Chief engineer. Sec. 27. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have command of the whole fire department of the village, and also two assistant engineers, either of whom may act as chief engineer, in case of the absence of the chief.

Marshal to compel aid at fires. Sec. 28. The marshal or any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation, and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said village; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

Tax; power of council to raise. Sec. 29. The common council shall have power and authority to raise annually, by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred in said village, and to carry into effect the powers hereby conferred on them; and they shall, on or before the first day of June in each year, determine by resolution the amount of taxes necessary to be levied for said purposes during the year:

Proviso. *Provided*, That the taxes so determined to be levied shall not exceed in any one year one-half of one per cent. on the as-

essed valuation of said village, the same to be collected as State, county, and town taxes are collected.

Sec. 30. The common council shall have power to assess and ^{Poll tax.} collect from every male inhabitant of said village, being above the age of twenty-one and under fifty years, (except paupers, idiots, lunatics, and other persons by law exempt,) an annual capitation or poll tax not exceeding one dollar, and they may provide by ordinance for the collection or commutation of the same.

Sec. 31. The assessor of said village shall once in each year, ^{Assessment roll; contents of.} between the third Monday of April and the second Monday in May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupants, or agent thereof, if known, and shall set down in such roll the valuation of such property at its fair cash value, placing the valuation of personal property on a separate line; and it shall be the duty of the president and common council once in each and every year, and immediately after the assessor has assessed the real and personal estate lying and being in said village, and before any tax ^{Notice of time for reviewing.} shall be levied on the same, to give ten days' notice of the time and place of reviewing said assessment roll, under the supervision of the president and assessor, that any person or ^{Corrections in.} persons deeming themselves aggrieved may be heard, and the roll may then and there be altered, if it shall be made to appear that any person has been wrongfully assessed; the assessor shall complete and deliver said assessment roll to the village recorder on or before the first day of June in each year; the assessor and the president or recorder shall, on or before the first Monday in November in each year, proceed to estimate, apportion, and set down in a column left for that purpose, opposite to the several sums set down as the value of real and personal estate in the assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall then cause said assessment roll, or a copy

Marshal
ordered to
collect.

thereof, to be delivered to the marshal of said village, with a warrant annexed thereto under the hand and seal of the president and recorder, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein, set opposite their respective names, and authorize

Power of, to
sell property

him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the cost and charges of such distress and sale, and directing him to pay such money, when collected, to the treasurer of such village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time, as the common council may deem best; and when any assessment shall be made for any special improvement, it shall be legal even if it is not made at the time of making the general list, notice being given of the review of said assessment, as herein provided.

To call on
persons
taxed.

Sec 32. The marshal of said village shall call upon each person taxed, if a resident of said village, at least once, and demand payment of taxes charged to him upon said roll, and in case of distress and sale, as provided for in section thirty-one, may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property, in accordance with the general laws of this State.

Justices of
the peace.

To determine
offenses.

Sec. 33. Any of the justices of the peace of the township of White Pigeon are hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by the said laws or ordinances shall be prescribed or directed, and such justice shall have power to hear, try and determine all charges, complaints, actions and prosecutions for the recovery or enforcement of any and all

ines, penalties and forfeitures for alleged violations or infringements of the said by-laws and ordinances, or of any of the provisions of this act, except in cases where jurisdiction belongs to some other court; the proceedings in all such actions and prosecutions shall be according to and be governed by the general laws and rules of practice of this State applicable to courts of justices of the peace.

Sec. 34. Whenever a conviction is had, or a judgment rendered for any fine, penalty or forfeiture for a violation of this act, or of any by-law or ordinance of said village, it shall be with costs of suit, and execution thereon may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to prison if he be so adjudged and according to law; and in case where both fine and imprisonment are imposed upon the person so convicted by the judgment of any such justice, he shall issue the necessary process to carry such judgment into effect.

Sec. 35. Any justice of the peace of the township of White Pigeon shall have power to impose fines and penalties and forfeitures not exceeding one hundred dollars, unless a greater amount is herein authorized, and imprisonment not exceeding ninety days, or both, in the discretion of the court, on all persons offending against or violating any of the provisions of this act, or any by-law or ordinance of said village made in pursuance thereof; and the several justices of the peace of said township of White Pigeon shall have power in all cases where, by the provisions of this act, or of any by-law or ordinance made in pursuance thereof, any person may be sentenced to imprisonment, to imprison in the jail of the county of St. Joseph, and it is hereby made the duty of the keeper of said jail to receive such persons; and in all cases where the term of such imprisonment shall exceed sixty days, such person may be sentenced to confinement in the Detroit house of correction.

Council to
pass laws to
carry its
powers into
effect.

Sec. 36. Whenever by the provisions of this act any power or authority is given or duty imposed upon the common council, the common council may enact such ordinances and establish such rules and regulations as may be necessary to carry into effect such powers and authority and regulate the performance of such duty.

How suits
shall be
brought.

Sec. 37. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provisions, or to recover any fine, penalty or forfeiture for such violation, shall be brought in the name of the people of the State of Michigan; and in any such suit or prosecution it shall not be necessary to set forth in the complaint or warrant, the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title, but it shall be sufficient to state in the complaint and warrant, with reasonable certainty of time and place, the act, violation, or offense complained of, to allege the same to have been committed in violation of the provisions of an ordinance or by-law, as the case may be, of the village of White Pigeon, referring thereto by its title; and all processes issued by any justice of the peace in any such suit or proceeding shall be directed to the marshal of the village of White Pigeon, or to any constable of the county of St. Joseph, and the same may be executed within the county of St. Joseph.

How pro-
cesses shall
be directed.

Style of
ordinances.

Sec. 38. The style of all ordinances shall be: "The common council of the village of White Pigeon ordain;" the time when any by-law or ordinance shall take effect shall be prescribed therein: *Provided*, That no by-law or ordinance shall be operative until the same shall have been published ten days in said village by written or printed notices, posted up in three of the most public places in said village, and like notices shall be given of the repeal or amendment of any ordinance or by-law: *Provided also*, That no by-law or ordinance of said village shall be in its provisions repugnant to the constitution and laws of the United States or of this State.

Proviso.

Ibid.

Sec. 39. All fines, penalties and forfeitures recovered for any violation of the provisions of this act, or of the by-laws and ordinances made in pursuance thereof, and all moneys received for licenses or from other sources belonging to said village, shall be paid to the treasurer of said village by the officer receiving the same, immediately after the receipt thereof, and shall be disposed of as the common council may direct; and any person who shall refuse or neglect to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

All fines,
etc., to be
paid into
treasury.

Penalty for
refusal to
pay.

Sec. 40. In suits or proceedings in which the common council of the village of White Pigeon shall be a party or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of such action or suit, provided his interest be such only as he has in common with the inhabitants of said village.

Citizens to
be competent
as jurors.

Sec. 41. The common council shall meet on the Tuesday preceding the annual election in each year, and shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against said village, and shall make out in detail a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, the amount of taxes raised, the amount expended on streets, the amount of money borrowed, and for what purpose, and upon what terms, and all such information as shall be necessary to a full understanding of the finances of said village, and such statement shall be placed on file in the recorder's office, subject to inspection at any time by the citizens of said village.

Annual
statement.

Sec. 42. Before any account or demand of any person against said village shall be audited or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates, which affida-

Accounts to
be verified
by affidavit.

vit may be taken and certified by any member of the common council, or any person authorized to administer oaths.

Power of
council to
borrow
money.

Sec. 43. The common council of said village may borrow for the time being, in anticipation of the receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable fire engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor: *Provided*, That the common council shall not borrow more than five hundred dollars for the purpose of buying a fire engine and other necessary apparatus: *And provided*, That no greater amount than two hundred dollars of the principal thereof shall be made to become due in any one year.

Proviso.

Ibid.

Inhabitants
to be subject
to township
laws.

Sec. 44. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets and highways, and the labor to be performed thereon within the limits thereof.

First
election.

Sec. 45. The first election of officers provided for in this act, shall be held at Union Hall, in the village of White Pigeon, on the second Tuesday in April, A. D. one thousand eight hundred and sixty-nine, and on the first Tuesday in March annually thereafter, at such place in said village as the common council may appoint for that purpose. At said election two of the present trustees, the clerk, or some one chosen by the trustees in his stead, of the village of White Pigeon, shall constitute the board of inspectors thereof, each of whom shall, before entering upon his office, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof; the said board shall conduct the said election, and certify the result thereof.

Board of
inspectors.

Prior ordi-
nances to
remain in
force.

Sec. 46. This act shall not be construed so as to invalidate any ordinance or by-law now in force in the village of White Pigeon, passed pursuant to the laws of Michigan, but all by laws and ordinances heretofore passed by the trustees of said village may be repealed by the common council.

Sec. 47. This act shall be favorably construed and received Public act. in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 48. The tax upon real estate, with all the assessments Taxes on real estate; proceedings when not paid. for the purposes named in this act, shall be put down in the assessment roll by itself in a column; and whenever any such tax or assessment, and all taxes on real estate returned for non-payment of taxes, as provided in the preceding section, and the interest thereon, which shall be computed at the rate of twenty per centum per annum until paid, shall remain unpaid for two years from the date of the warrant to the marshal, as aforesaid, the treasurer of said village shall cause so much of Sale of land at public auction. the land charged with such tax and assessment and interest, to be sold at public auction, at some public place in said village, to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest, together with all charges thereon, first giving at least thirteen weeks' notice of the time Notice of sale. and place of sale, by advertisement posted up in three of the most public places in said village, or by causing the same to be published in a newspaper in said village. An affidavit of such Affidavit of publication. publication, recorded in the manner prescribed in the tenth section of this act, shall be deemed *prima facie* evidence of the fact of such publication.

Sec. 49. On the day mentioned in said notice, the said treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due, assessed and charged thereon, aforesaid; and the said treasurer shall give the purchaser or purchasers of any such lands a certificate, in writing, describing the lands purchased and the sum paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and Certificate of purchase. unless within one year from the date of the sale thereof, there shall be paid to the treasurer, for the use of the purchaser, his heirs or assigns, the sums mentioned in said certificate, to- Conveyance.

	<p>gether with the interest thereon, at the rate of twenty per centum per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall vest in the person or persons to whom it shall be given, an estate in fee simple: <i>Provided</i>, All proceedings connected with the raising and levying such tax, and the sale for the non-payment thereof, are according to law, and the said conveyance shall be <i>prima facie</i> evidence that the sale was regular, according to the provisions of this act; and every such conveyance, executed by the said treasurer, under his hand and seal, witnessed and acknowledged, and recorded in the usual form, may be given in evidence in the same manner as a deed regularly executed and acknowledged by the owner, and duly recorded.</p>
Proviso.	
Fees of treasurer.	<p>Sec. 50. The treasurer of said village shall receive the same fees, and conduct the sale in the same manner, in case of sales, as aforesaid, as are provided by law to the county treasurer for like services; and the expenses for the advertising any land for sale, in pursuance of this act, shall, by the treasurer, be added to such taxes, respectively, as are charged upon lands advertised for delinquent State and county taxes.</p>
Expenses of advertising; how paid.	
Power of council to lay out streets.	<p>Sec. 51. The common council shall have power and authority to lay out, open and extend, widen, straighten, alter, close and vacate, and improve such streets, highways, alleys, lanes, water-courses, squares, market places and public parks in said village as they shall deem necessary for the public good and convenience; and if, in the opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare, by resolution, stating therein the description of the lands, premises, or property required, and the purpose for which the same are to be used, and that the common council will meet on some day to be named in the resolution, to take action in regard to the matter; and notice of such meetings shall be given to the owners or parties interested, or his, her, or their agents or representatives, by per-</p>
Proceedings when private property is taken.	
Notice to owner.	

sonal service of a copy of such resolution, or by publication of a copy of such resolution in a newspaper published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in, or owning such grounds or premises for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such land or premises, or if for any other cause there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept under his hand, in the nature of a *venire facias*, directed to the marshal of said village, or any constable in the county of St. Joseph, commanding him to summon a jury of twelve disinterested freeholders of said village to appear before any justice of the peace of the township of White Pigeon, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of or parties interested in such grounds, premises, or property, which jury, being duly sworn by said justice, faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners, or to the parties interested in such grounds, premises or property, for their respective damages or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and the sum or sums so assessed, together with his, her, or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid to the village treasurer for the use of such party, person, or claimant, before such street, highway, alley, lane, water-course, square, market

Council to
negotiate;
with owner.

Summoning
of jury.

Jury to
award
damages.

Compensation
tendered to
owner.

Proviso.

place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds, premises or property to be immediately converted to and for the use and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings by appeal to the circuit court for the county of St. Joseph, upon giving notice of his or their intention so to do to the said justice in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury, and the judgment of said justice therein as aforesaid, such appellant first giving bond with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or any other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening or extending such street, lane, alley, square, water-course, market place or public park as aforesaid; and upon filing in said circuit court the said bond and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in cases of appeals from justices' courts: *Provided further*, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Ibid.

Council to
cause streets
to be re-sur-
veyed.

Sec. 52. The common council is authorized to cause such of the streets, highways, alleys, and lanes in said village as shall have been used for six years or more prior to the passage of this act as public highways, streets, lanes, or alleys, which have

not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described and recorded in the office of the village recorder, in a book to be denominated the book of street records; and the common council shall cause a survey or description and plat of every public ground, highway, street, lane, and alley, or part thereof, which shall be hereafter opened, established, altered, widened, straightened, or the grade thereof established, to be recorded in the said book of street records, and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane, or alley, or that part thereof therein described, and of the boundaries and grade thereof; and a copy of any ordinance or resolution of the common council, vacating or closing any public ground, park, highway, street, lane, or alley, or any part thereof, shall also be recorded in said book of street records, and the same shall be evidence as aforesaid.

Sec. 53. This act shall take immediate effect.

Approved April 3, 1869.

[No. 421.]

AN ACT to authorize Wellington R. Burt to select seven hundred and twenty acres of State swamp lands, in lieu of a like amount selected by him and sold by the State.

SECTION 1. *The People of the State of Michigan enact, That* Wellington R. Burt, of the city of East Saginaw, be and he is hereby authorized and empowered to select from any unappropriated swamp lands belonging to the State of Michigan, and lying in townships number eighteen and nineteen north, of range three west, five hundred and sixty acres, by legal subdivisions, to apply on his contract for building a part of the Saginaw and Gratiot State road; and also one hundred and sixty acres, by legal subdivisions, to apply on the contract of Samuel Sias, for building a portion of the Port Huron, Bay City and Lansing State road, in lieu of a like quantity of swamp

Lands to
be patented.

lands heretofore selected by said Burt, to apply thereon, and subsequently sold and patented by mistake; and when said Burt or his assigns shall have filed with the Commissioner of the State Land Office a list of the lands so selected by him, not exceeding in all seven hundred and twenty acres, the same shall be withheld from sale, and certified and patented to him, in the same manner, and his rights thereto shall be the same as to the lands originally selected by him, before the same were sold by the State.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 422.]

AN ACT to legalize the action of the trustees of the Baptist Society of the village of Greenville, in Montcalm county, in conveying certain real estate.

Conveyance
of land
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the action of the trustees of the Baptist Society of the village of Greenville, in Montcalm county, in conveying by warranty deed to Charles Pettenger, of said village of Greenville, the west half of lot number sixty-six, (exclusive of the street on the east side of said lot,) of John Green's plat of said village, as now on record in the office of the register of deeds of said county of Montcalm, which deed was executed, acknowledged, and delivered to said Charles Pettenger on the twentieth day of December, in the year eighteen hundred and sixty-seven, in consideration of the sum of two hundred and fifty dollars, paid to the said trustees by the said Charles Pettenger, be and the same is declared legal and valid, as though the said trustees had been authorized by law to convey by warranty deed said real estate.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 423.]

AN ACT to authorize the trustees of the First Methodist Episcopal Church, of Hastings, Barry county, to sell and convey certain real estate.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sale of land authorized.} the trustees of the First Methodist Episcopal Church, in the village of Hastings, in the county of Barry, be and they are hereby authorized and empowered to sell and convey by good and sufficient warranty deed or deeds, all right, title and interest of said church, in and to the following described real estate, viz: Village lot eight hundred and four, according to the recorded plat of said village.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 424.]

AN ACT to provide for a re-survey and re-platting of the village of Muskegon, and the additions thereto, and to establish such new plat as the legal plat of the same.

SECTION 1. *The People of the State of Michigan enact, That* ^{Re-survey of new plat authorized.} the common council of the village of Muskegon be, and said common council is hereby authorized to cause a re-survey and a re-platting of the village of Muskegon, and all additions thereto, and cause a new plat of said village and said additions to be made as hereinafter provided.

Sec. 2. The plat or plats, as hereinafter provided, may be ^{Contents of plats.} made to include the whole of that part of the village of Muskegon heretofore platted and the several additions to the village of Muskegon, in one plat, designating thereon the village of Muskegon, and each addition thereto, by the proper name, or each of the same may be platted separately.

Sec. 3. In making said new plat or plats, no change shall be ^{Streets and lanes not to be changed.} made in any street, lane, alley, block, lot, or otherwise, excepting so far as the same may be necessary to correct errors heretofore made in surveying and platting the same: *Provided, Provide.*

That the vested rights of any person or persons shall not thereby be diminished nor in any manner impaired.

Plats; where
shall be re-
corded.

Sec. 4. Said plat or plats, when so made and approved by the common council of said village, shall be recorded in the office of the register of deeds of Muskegon county, in the same manner as other plats are recorded by law, and when so recorded shall stand in lieu of all other plats of the territory included in such new plat; and such plat or plats so made and recorded shall thereafter be the legal plat or plats of the territory included therein.

To stand in
lieu of all
other plats.

City council
authorized
to carry act
into effect.

Sec. 5. In case such plat or plats are not authorized, made or completed prior to the election of the common council of the city of Muskegon, the common council of said city may and is hereby authorized to carry into effect all the provisions of this act.

Expenses;
how paid.

Sec. 6. The necessary expense of carrying into effect the provisions of this act shall be audited and paid in the same manner as other expenses of said village or city are audited and paid.

Sec. 7. This act shall take immediate effect.

Approved April 3, 1869.

[No. 425.]

AN ACT to authorize the township of Delhi, in the county of Ingham, to raise by tax, a sum of money for the purpose of draining a swamp in said township.

Township
authorized
to raise tax.

SECTION 1. *The People of the State of Michigan enact, That* the township of Delhi, in the county of Ingham, is hereby authorized to raise by tax, on the real and personal property of said township, one-half of one per centum per annum, for the years eighteen hundred sixty-nine and eighteen hundred seventy, for the purpose of cutting a ditch or drain, of sufficient capacity to drain the surface water from the following described lands, viz: Sections eighteen, seven, six, four, five and eight, in said township of Delhi: *Provided, That the*

Provide,

electors of said township shall so determine at the general township meeting, to be held on the first Monday of April next, or at a special election called for that purpose; in either case, ten days' notice of said meeting shall be given by the clerk of the said township, by posting the notice of the same in three public places in said township, the question being determined by ballot, upon which shall be written or printed, or partly written and partly printed, the words "Tax for Ditch—Yes;" or, "Tax for Ditch—No."

Sec. 2. If the electors of the said township of Delhi shall determine, by a majority of ballots, to tax the said township for the purpose of establishing and cutting the said ditch, it shall be the duty of the commissioner hereinafter provided for, to establish the line of the same, who shall have authority to let the job or jobs for the cutting of said ditch to the lowest responsible bidder, in sections or otherwise, to determine the amount of bonds to be given by the contractors for such work for the faithful performance of the same, to establish the grade, the width and depth of the same, to determine the completion, and to accept the work when completed, in accordance with such terms as the township board may establish, and with authority to do all other acts necessary in the premises.

Sec. 3. It shall be the duty of the township board to inspect the work, and if the same shall appear to have been completed in a satisfactory manner, the said board shall issue orders upon the treasurer of said township to pay for the work so completed and accepted.

Sec. 4. Upon the completion of the contracts for digging said ditch or drain, and after good and sufficient bonds for the completion of the same have been given by the contractors and accepted by the said commissioner, the supervisor of said township of Delhi is hereby authorized and directed to spread a tax upon the taxable property of said township, as assessed for the year eighteen hundred and sixty-nine or eighteen hundred and seventy, as the case may be, sufficient to pay the entire cost of said ditch or drain, and to extend said tax upon a

separate column of the assessment roll of said township, properly designated, and the same is hereby made and constituted a legal tax against the property so assessed, to be collected by the township treasurer, or returned for non-payment, the same as other taxes are collected or returned.

Commis'r
appointed.

Sec. 5. Jacob Schurtzgabel, of said township of Delhi, is hereby appointed commissioner under the provisions of this act. He shall be entitled to receive three dollars per day for actual service as such commissioner, the same to be paid by the township treasurer out of the money raised under the provisions of this act, upon his sworn statement of services rendered as such commissioner.

Sec. 6. This act shall take immediate effect.

Approved April 8, 1869.

[No. 426.]

AN ACT to revise an act entitled "An act to incorporate the Board of Education of the city of East Saginaw," and the several acts amendatory thereto.

Act amended

SECTION 1. *The People of the State of Michigan enact, That* the act to incorporate the board of education of East Saginaw, approved February fifteenth, eighteen hundred and fifty-nine, and the acts amendatory thereto, approved January fourteenth, eighteen hundred and sixty-two, and the act to further amend the same, approved March fourteenth, eighteen hundred and sixty-five, be and the same are hereby revised and amended so as to read as follows:

School
district
constituted.

School
inspectors.

SECTION 1. *The People of the State of Michigan enact, That* the city of East Saginaw shall constitute one school district from and after this act takes effect. At the first regular general election in said city, there shall be elected two school inspectors for each ward of said city, one for the term of one year, and one for the term of two years, and annually thereafter there shall be elected, in each ward, one school inspector for the term of two years. The term of office of the members of said board

of education shall commence on the third Monday in July of each year: *Provided*, The members elect to said board shall file an acceptance and oath of office with the city clerk, as required of other city officers: *And further provided*, That the present school inspectors of said city shall hold their offices and discharge all the duties thereof and of said board, until the third Monday of July next. In case of vacancy in said office of school inspector for any ward of said city, the common council shall elect, by ballot, some suitable person to fill said vacancy until the time for the next general city election. Proviso. Ibid. Vacancies; how filled.

Sec. 2. The school inspectors of said city shall be a body corporate by the name of "The Board of Education of the city of East Saginaw," and by that name may sue and be sued, and be capable of holding, renting, selling, and conveying real and personal property for the use of, and as the interests of the common schools of said city may require, and shall be subject to all the general laws of this State relative to corporations so far as the same may be applicable. They shall succeed to and be entitled to demand all moneys and other rights belonging to the present school district in such city, heretofore known as school district number one of the township of Buena Vista, and all real and personal property or other rights of such district, lying within said city, or in the possession and control of any person for such district; and all moneys or other property shall be held by said board, hereby constituted, and expended solely for the benefit of schools within said city. Such board shall also pay all the debts and demands that may be existing against such school district number "one." Body corporate and politic.

Sec. 3. No member of the board of education shall receive any fee or compensation for services as such. Compensation

Sec. 4. A majority of all the members shall constitute a quorum, and the said board shall meet from time to time at such place in said city as they may designate. They may elect one of their own number president, and in his absence may elect a president *pro tem*. No claims shall be paid by said board, nor Quorum. President.

How claims shall be paid any contract made requiring the expenditure of money, without the concurrence of a majority of said board.

Secretary. Sec. 5. The board shall elect a secretary, who shall perform such duties and receive such compensation as said board shall direct. Said board shall cause full and complete records to be kept of its proceedings, accounts, expenditures and receipts, and such records shall be public, and open to the inspection of any tax-payer of said city.

To purchase sites for sch'l-houses. Sec. 6. The board of education shall have full power and authority, and it shall be their duty to purchase sites and build school-houses in said city; to apply for and receive from the treasurer of the county of Saginaw, the treasurer of the city of East Saginaw, or other officer having custody or possession of the same, all moneys raised by tax, or otherwise appropriated and set apart for the use and support of primary or public schools, and for the district library of said city. They shall expend such funds and moneys received, for the purposes and in the manner specified by law, and in no other manner; they shall establish and regulate a district library, and designate a place or places where the library may be kept therein. The

To make by-laws relative to census of children. said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all the children in said city, between the ages of five and twenty years; relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to the levying and collection of rate bills;

Visitation of schools. Length of time schools shall be kept. relative to the visitation of schools; relative to the length of time schools shall be kept, which shall not be less than nine months in each year; relative to the employment and examination of teachers, their powers and duties; relative to the regulation of schools, and books to be used therein; relative to the appointment of necessary officers, and prescribe their powers and duties; relative to anything whatever that may advance the interests of education, the good government and prosperity of the common schools in said city, and the welfare of the

Interests of education.

public concerning the same, which by-laws and ordinances shall have the force and effect of law, and shall be enforced by the courts in the same manner and with the same effect as the ordinances of the city of East Saginaw: *Provided*, No such by-law or ordinance shall be in effect until the same shall have been published at least once in some newspaper printed and circulating in said city, or by posting a copy of the same on the front door of each of the public school-houses of said city; proof of said by-laws or ordinances in court may be made by furnishing a certified copy from the records of the board, or by proper affidavit of publication and posting, or by publication in book or pamphlet printed form, as provided for city ordinances in section fourteen, of title three of the act to incorporate the city of East Saginaw.

Sec. 7. The recorder's court of said city shall have jurisdiction in all suits wherein the said board of education may be a party, except as otherwise provided by law, and of all prosecutions for the violation of the regulations, by-laws and ordinances of said board.

Sec. 8. The fiscal year of said board of education shall close on the last day of June in each year; and said board shall cause to be made out, within two weeks after the close of such fiscal year, all reports required by law to be made for the use of the State, and they shall cause to be published in some newspaper published and circulating in said school district, a statement of the number of schools in said city, the number of scholars instructed therein the year preceding, the number of teachers and other persons employed by said board, the several branches of education taught in said schools, and a complete statement of all receipts and expenditures by said board during the preceding year.

Sec. 9. Said board shall have power and authority to establish a high school in said city, and to appoint a superintendent of the public schools of said city, and such assistants and teachers as may be necessary, with such salary and such powers and duties as shall be prescribed by the said board.

Board to determine am't of money necessary for following purposes:

Sec. 10. Said board shall, in the month of April in each year, determine by resolution, passed by a vote of a majority of all the members of said board at any regular meeting, the sum or sums necessary and proper for any or all of the following purposes:

Improving sch'l-houses.

To lease, alter, repair and improve school-houses, and their out-houses, grounds and appurtenances;

Buying books.

Second. To purchase, exchange, repair and improve school apparatus, books, furniture, and appendages and fixtures;

Fuel and lights.

Third. To procure fuel and lights, and defray all the necessary contingent expenses of said board;

Library books.

Fourth. To defray the expenses of and purchase books for the district library of said city, not to exceed in the aggregate the sum of five hundred dollars in any one year;

Salaries.

Fifth. To pay the salaries and wages of the superintendents and teachers, after the application of the public moneys which may be by law appropriated and provided for that purpose:

Proviso.

Provided, That the sums so authorized shall not exceed in the aggregate, in any one year, the sum of one and one-half per cent. of the valuation of said city, as taken from the annual assessment roll of the preceding year.

Assessor to levy am'ts determined upon.

Sec. 11. Whenever the said board shall have made the estimates by resolution, provided in section ten, the secretary of the board shall certify the same to the assessor, or other proper officer or officers of said city of East Saginaw, whose duty it may be to assess and extend the taxes of said city, and the said city assessor, or other officer or officers whose duty it shall be to extend the ordinary city taxes, shall levy the sum or sums so determined and certified to him, upon the taxable property of the city, at the same time and in the same manner as the taxes for other city purposes are assessed: *Provided,* All taxes levied in any one year in said city by virtue of this act, shall be placed in a separate column on said rolls from any other taxes, to be headed "school tax." The taxes so levied shall be and remain a lien upon the property on which the same is levied, in the same cases, to the same extent, and in like man-

Proviso.

Taxes to remain a lien on property.

ner, and shall be collected in the same manner as is provided for taxes raised for ordinary city purposes. All said money shall be disbursed and expended by the authority of said board for the purposes for which it was raised, and for no other.

Sec. 12. Whenever said board shall deem it necessary to raise any additional amounts of money in any one year for the support of the public schools, the purchase of ground for sites, or the erection of school-houses thereon, in excess of the amount provided for in section ten of this act, they shall so certify by resolution to the common council of the city of East Saginaw, and it shall be the duty of said common council to call, in the manner provided in section two, of title five of the act to incorporate the city of East Saginaw, a meeting of the electors of said city, which meeting, so called, may provide such means to sustain and keep open the public schools, and for making such purchase of grounds, and for the building and construction of suitable school-houses thereon, as said meeting may determine, either by issuing the bonds of said city, as provided in section thirteen, of title five of the act to incorporate said city of East Saginaw, or by levying an additional tax upon the property of said city, as provided in section two, of title five of said act, as said meeting shall determine. All bonds issued and all moneys assessed as provided in this section, shall be at the disposal of the said board of education, and shall be expended only for the purposes raised, and no other. Such bonds shall be disposed of as provided for in section thirteen, title five of the charter of the city of East Saginaw, and the proceeds paid over to the treasurer of the board of education. If any such additional tax shall be raised as herein provided, the amount voted by the electors shall be added to the amounts certified by the board of education to the assessor, and assessed in the same column with the other school taxes; but the said board shall, when the same shall be collected, cause the same to be separated from the ordinary school funds and taxes, and set aside, and used solely for the purposes for which raised, and for no other.

Manner of raising extra amounts of money

When bonds may be issued.

How bonds shall be disposed of.

Treasurer
of board;
duties of.

Sec. 13. The treasurer of the city of East Saginaw shall be *ex officio* treasurer of the board of education, and receive and hold all moneys belonging to said board, unless otherwise ordered by said board of education, which is in its discretion authorized and empowered to elect a treasurer, who shall be directly responsible to the said board for proper discharge of his duties as such treasurer. The treasurer of the city shall keep all moneys belonging to the school funds or to said board separate from the moneys belonging to the city of East Saginaw, and shall use, pay out or expend the same only in pursuance of law, or as directed by the board.

Collectors
to pay over
money and
take receipts

Sec. 14. When any ward collector of said city of East Saginaw shall pay over any school money to the city treasurer, he shall take duplicate receipts for the same, and file one thereof with the secretary of the board of education; and it shall be the further duty of each of said collectors, when he shall make his final return to the county treasurer of Saginaw county, to make a report to said board of education, stating therein the whole amount of school tax placed upon the roll delivered to him by the city controller, the amount collected, and the amount returned by him to the county treasurer, as unpaid and uncollected. If any such collector shall refuse to pay to the treasurer the sums of money stated in his warrant as school moneys, or to account for the same as unpaid, at the time and in the manner required by law, the recorder of the city of East Saginaw, or the president of the board of education of said city, shall forthwith issue a warrant under his hand, directed to the sheriff of said county, commanding him to levy such sums as remain unpaid and unaccounted for, together with his fees for collecting the same, of the goods and chattels, lands and tenements of such collector and his sureties, and to pay the same to the treasurer of said board and return such warrant within twenty days from the date thereof.

Proceedings
when collec-
tors refuse
to pay over
money.

Treasurer
and collector
to give bonds

Sec. 15. The city treasurer, and each of the ward collectors of said city of East Saginaw shall, before they enter upon the duties of their respective offices, be required to enter into

such bonds and with such sureties as such board of education may require, conditioned for the faithful discharge of their duties and the paying over of all school moneys received by them, respectively, by virtue of this act.

Sec. 16. The city treasurer, and the several ward collectors of said city, or other person collecting the taxes for ordinary city purposes, is required to collect said tax in money, and shall not be authorized or permitted to receive in payment of said taxes any liabilities or evidence of debt against said city. Collector to receive taxes

Sec. 17. The board of education of the city of East Saginaw is hereby authorized from time to time, on such terms of payment as they may deem proper, to borrow a sum of money not exceeding in all, or at any one time, the aggregate sum of five thousand dollars, for the purpose of maintaining the public schools of said city, and paying the salaries and wages of the superintendent and teachers therein, but for no other purposes, at a rate of interest not exceeding ten per cent. per annum, payable semi-annually, and to issue bonds of said board of education, in such form, and executed in such manner as said board shall direct: *Provided*, Said board shall issue no bond for a less sum than fifty dollars. The bonds issued under this section shall be a charge upon all the property of said board, and the same shall constitute a security therefor until said bonds are paid: *Provided*, No legal proceeding shall be instituted to enforce such lien or to sell any property of said board of education for the payment of the principal of any such bond, until one year after such principal shall become due and payable, according to the terms thereof. It shall be the duty of said board, whenever they shall borrow any money under the provisions of this section, to appropriate a sufficient sum out of any money in their hands to pay the interest upon the same, and to provide in their next estimate for the whole or so much of the principal as may fall due, or such percentage of the same as the board shall deem necessary, which amount shall constitute a sinking fund for paying such bonds, and shall be used only for that purpose, and no other. Board allowed to borrow money. Proviso. Bonds to be charge on property. Proviso. Board to pay interest on borrowed money.

School inspectors;
where shall
reside.

Forfeit of,
for refusing
to serve.

May pass
rules for
their proceedings.

May impose
fines.

What
deemed misdemeanor.

Penalty.

Sec. 18. School inspectors shall reside in the ward they are elected to represent on said board, and a removal from the ward shall be deemed to vacate the office of such inspector. If any person shall be elected as school inspector, and shall file his acceptance, and qualify for said office, and thereafter refuse to serve on said board, or on any committee to which he may be assigned, or shall refuse or neglect to attend to the duties of a member of said board without sufficient cause, he shall forfeit to said board, for the use of the library fund, a sum not exceeding fifty dollars, to be recovered in an action of debt before any competent court, with costs. Said board of education shall have power to make all necessary rules and regulations relative to its proceedings, and punish by fine, not exceeding five dollars for each offense, any member of the board who may absent himself from meetings thereof, or neglect or refuse to serve on committees thereof, without sufficient cause, to be recovered, with costs, by said board, in an action of debt, in any competent court. And the said board may impose a fine upon any officer elected by them, for neglect of duty, as they may determine, not to exceed the sum of twenty-five dollars for any one offense, to be collected as above provided.

Sec. 19. Any member of said board who shall knowingly, willfully, or corruptly vote to appropriate or use or expend any moneys under the control of said board for any other purpose than that for which the same was raised and appropriated, or who shall convert any such moneys to his own use, or connive at or be a party to any fraud, or be a party or surety to any contract or bargain made or authorized by said board, or who shall in any manner violate the provisions of this act, shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, and upon conviction may be punished for each offense by fine, not exceeding five hundred dollars, or by imprisonment in the county jail of Saginaw county, not to exceed three months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 20. All provisions of the general laws of this State relative to common or primary schools shall apply and be in force in said city of East Saginaw, and shall be binding upon said board of education hereby incorporated, except such as may be inconsistent with the provisions of this act, and the rules, regulations, by-laws or ordinances of the board of education of the city of East Saginaw, made under and in conformity to the provisions of this act. General laws to remain in force.

Sec. 21. The original act to incorporate the board of education of the city of East Saginaw, and the several acts amendatory thereto, are hereby repealed. Acts repealed.

[Sec. 21. This act shall take immediate effect.]

Approved April 8, 1869.

[No. 427.]

AN ACT to revise the charter of the city of Lansing.

TITLE I.

CITY BOUNDARIES, INCORPORATION, AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries. so much of the township of Lansing, in the county of Ingham, as is included in the following description, to wit: All of sections nine, sixteen, twenty-one, ten, fifteen and twenty-two, the east fractional half of section eight, the east half of section seventeen, and the east fractional half of section twenty, be and the same is hereby set off from the said township of Lansing, and declared to be a city, by the name of "the city of Lansing," by which it shall hereafter be known.

Sec. 2. The freemen of said city from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Lansing, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other Body corporate and politic.

places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said city.

Wards.

Sec. 8. The said city shall be divided into four wards, as follows: The first ward shall consist of all that part of said city east and north of Grand river and north of the center line of Shiawassee street, continued from Grand river to the eastern boundary of said city; the second ward shall consist of all that part of said city south of the center line of Shiawassee street, continued east and west to the eastern and western boundaries of said city, and north of the center line of Washtenaw street, continued east and west to the eastern and western boundaries of said city; the third ward shall consist of all that part of said city south of the second ward; the fourth ward shall consist of all that part of said city west and south of Grand river and north of the center line of Shiawassee street, continued from Grand river west to the west line of said city.

TITLE II.

ELECTIONS AND APPOINTMENTS.

Ward election; when to be held.

Sec. 1. An election shall be held in each ward annually, on the first Monday in April, at such place as the common council shall appoint; and the clerk shall cause printed notices of the holding of said election to be posted, at least six days previous thereto, in three of the most public places in each ward.

Special elections; power of council to order.

Sec. 2. The common council may order special elections to be held, in which case the clerk shall, twenty days previous thereto, deliver to the inspectors of election, in the ward or wards where such special election is to be held, a notice specifying the officers to be chosen, and the day and place at which such election will be held, and he shall, at least once before the day of such special election, publish said notice in one of the newspapers of the city.

Manner of conducting elections.

Sec. 3. Such annual or special election shall be held and conducted in the manner provided by the laws of this State for

holding general elections, except as is by this act otherwise provided.

Sec. 4. The common council shall provide two suitable ballot boxes for each ward, with locks and keys, in which to deposit the ballots offered at any election—one for the city tickets and one for the ward tickets. When the elector delivers his ballot, there shall appear on the outside of the one containing the city ticket, the word “city,” and on the outside of the one containing the ward ticket, the word “ward,” and the inspector shall deposit the ballot in the proper box. If found in the proper box, no ballot shall be rejected for want of such indorsement.

Ballots;
contents of.

Sec. 5. Immediately after the closing of the polls, the inspectors of election shall, without adjournment, publicly canvass the votes received by them, according to law, and declare the result; and shall, on the same or on the next day, make a certificate, stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day, with the clerk of the city.

Canvass and
statement of
votes.

Sec. 6. At each annual election hereafter to be held in said city, there shall be elected on a city ticket one mayor, one clerk and one treasurer, who shall hold their offices for one year; and in each ward there shall be elected on a ward ticket one alderman and one member of the board of education, who shall hold their offices for two years, and one constable who shall hold his office for one year; and at each fourth annual election after the year eighteen hundred and fifty-nine, one justice of the peace for the first and fourth wards, and one justice of the peace for the second and third wards, who shall hold their offices for four years: *Provided*, That there shall be no members of the board of education elected at the spring election of A. D. eighteen hundred and sixty-nine, except to fill vacancies on said board.

Officers to be
elected at
annual elec-
tions.
Terms of
office.

Proviso.

Sec. 7. If at any annual election in the said city, there shall be one or more vacancies to be supplied in any office, and

Vacancies
in office.

at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for the said office, shall be designated on the ballot.

Council to determine what persons are elected.

Sec. 8. The common council of the city for the preceding year shall convene on the Thursday next succeeding each annual election, at two o'clock in the afternoon, at their usual place of meeting, and shall determine and certify, in the manner provided by law, what persons are duly elected at the said election to the several offices, respectively; such certificate shall be made in duplicate, one of which shall be filed with the clerk of the city, and the other with the clerk of the county of Ingham.

Who deem'd elected.

Sec. 9. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; but if two or more persons shall receive an equal number of votes for any office, the common council shall appoint a day (if the candidates be not then present) for the appearance before them of all such persons, for the purpose of determining by lot the right to such office, and shall cause notice thereof to be given to all such persons interested. At the time appointed, such persons shall draw lots for such office before the common council, in the same manner, as near as may be, as is prescribed by law for the drawing of lots by candidates for members of the Legislature, and the person successful in the lot shall be declared duly elected.

Tie; how decided.

Vacancy in office of alderman; how filled.

Sec. 10. When a vacancy occurs in the office of alderman, or when he refuses or neglects to take the oath of office, or when his election is declared void by a proper tribunal, the common council shall immediately appoint a special election to be held in the ward for which such officer was chosen, at some suitable place therein, not less than seventeen nor more than twenty-one days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the said office of alderman within three months before the first Monday of April

Proviso.

in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Sec. 11. It shall be the duty of the clerk of said city, as soon as practicable, and within five days after the election or appointment of any officer or officers, to notify such officers respectively of their election or appointment; and the said officers so notified as aforesaid, shall, within ten days after such notice, take the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same, together with his official bond, if any be required, in the clerk's office of said city.

Clerk to notify persons of their election.

Officers to take oath.

Sec. 12. The common council shall, on the first Monday in May, or as soon thereafter as may be, in the year eighteen hundred and sixty-five, and every third year thereafter, appoint one assessor, who shall hold his office for three years, and shall in each year at such time appoint one attorney, one marshal, one auditor, one city surveyor, and so many watchmen, fire wardens, pound masters, inspectors of fire-wood, weigh masters and auctioneers as they shall from time to time deem necessary, and such other officers as may be necessary to carry into effect the powers granted by this act, who shall hold their offices for one year; and the common council may by ordinance prescribe their duties in addition to those defined in this act. Whenever any officer appointed by the provisions of this section shall, from any cause, be unable to perform the duties of his office, the common council shall have power to appoint an officer, who shall perform the duties of the office until such disability shall cease.

Council to appoint certain officers.

Officers pro tem.

Sec. 13. If any person elected or appointed under this title, shall not take and subscribe the oath of office, and file the same as therein directed, or shall not cause a notice of acceptance to be filed as therein directed, or if required by the common council to execute an official bond or undertaking, shall neglect to execute and file the same, in the manner and within the time prescribed by the common council, such neglect shall be deemed a refusal to serve, unless before any step is taken to fill any such

Officers to take oath and give bond.

What deemed a refusal to serve.

office by another incumbent, such oath shall be taken, such acceptance be signified, and such bond executed and filed as aforesaid.

Clerk to furnish list of officers who have qualified.

Sec. 14. At the expiration of twenty days after any election or appointment of any officer or officers in the said city, the clerk of the said city shall deliver to the common council a list of the persons elected or appointed, and of the office to which they are chosen therein, specifying such as shall have filed with him the oath of office, notice of acceptance, and bond required by this act, and such as shall have failed to file the same within the time herein prescribed.

Council authorized to fill vacancies

Sec. 15. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except aldermen and members of the board of education, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person; and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment, only until the first Monday of May next succeeding; if an elective office which shall have become vacant was one of that class whose term of office continue after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Time persons shall hold office.

Sec. 16. Any person elected or appointed to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified; and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

Who eligible to office.

Sec. 17. No person shall be eligible to any city office unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district, unless he shall then be an elector and resident of such ward or district.

When officer may be removed.

Sec. 18. Any officer appointed by the common council may be removed from office for official misconduct or for the unfaithful or insufficient performance of the duties of his office;

but notice of the charges against him and an opportunity of being heard in defense shall first be given.

Sec. 19. Resignations by any officer authorized to be chosen or appointed by this act, shall be made to the common council, subject to their approval and acceptance: *Provided*, That resignations of members of the board of education shall be made to and accepted by said board.

Resignations; to whom made. Proviso.

Sec. 20. The expenses of any election held as provided by this act or by the laws of the State, shall be a ward charge, and paid from the ward fund.

Expenses of election; how paid.

Sec. 21. All officers elected as hereinbefore provided, shall enter upon the duties of their respective offices on the first Monday of May next following such election, unless otherwise herein provided.

When officers shall enter upon their duties.

TITLE III.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Sec. 1. The mayor and aldermen of said city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint; and, on special occasions, whenever the mayor, or person officiating as mayor, (in case of vacancy in the office of mayor, or of his absence from the city, or inability to officiate,) shall by written notice, appoint, and which shall be served on the members in such manner and for such time as the common council may by ordinance direct.

Common council; powers and duties of. Special meetings of.

Sec. 2. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered except by a two-thirds vote of all the members of said common council elect; nor shall any appointment of any officer under this act, be made, except by a majority vote of all the members of said council elect, by and with the consent of the mayor; and the common council shall prescribe the rules for its proceedings.

Quorum of. Two-thirds vote necessary to levy any tax.

Sittings to
be public.

Sec. 3. The sittings of the common council shall be public, except when the public interests shall, in their opinion, require secrecy. The minutes of the proceedings shall be kept by the clerk, and the same shall be open at all times for public inspection.

Each mem-
ber to have
one vote.

Sec. 4. In the proceedings of the common council each member present shall have one vote, except the mayor, or officer discharging the duties of mayor, who shall have only a casting vote when the votes of the other members are equally divided.

When min-
utes of meet-
ing shall be
recorded.

Sec. 5. Whenever required by two members, the votes of all the members of the common council, in relation to any act, proceeding, or proposition had at any meeting, shall be entered at large on the minutes; and such votes shall also be entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing the citizens of said city, or involving the appropriation of public moneys.

Members of,
not to be-
come surety,
or be inter-
ested in any
contract.

Sec. 6. No member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office, of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, as principal, surety or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council, nor be bondsmen or surety on any contract or bond given to said city; but this section shall not be construed to prevent the mayor or clerk from receiving any salary which may be fixed by the common council, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office.

To control
finances,
etc.

Sec. 7. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the

same as they shall deem proper and necessary; and further, that they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem desirable within said city, for the following purposes:

First. To prevent vice and immorality, to preserve public peace and good order, to regulate the police of the city, to prevent and quell riots, disturbances and disorderly assemblages;

May pass laws relative to—

Vice.

Police.

Riots.

Second. To restrain and prevent disorderly and gambling houses, and houses of ill-fame, all instruments and devices used for gambling, and to prohibit all gambling and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Gaming houses.

Third. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving, to be drank, any intoxicating liquors to any child or young person, without the consent of his or her parent or guardian, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

Liquors.

Auctions.

Fourth. To prohibit, restrain, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money;

Shows.

Fifth. To abate and remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler's shop, butcher's stall, soap-factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Nuisances.

Sixth. To direct the location of all slaughter-houses, markets and buildings for storing gunpowder or other combustible substances;

Slaughter houses.

- Gunpowder.** *Seventh.* Concerning the buying, carrying, selling and using gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards;
- Incumbering of streets.** *Eighth.* To prevent the cumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves or slips, in any manner whatever;
- Fast driving.** *Ninth.* To prevent and punish horse-racing and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, or over any bridge;
- Locomotives** *Tenth.* To restrain and regulate the use of locomotives, engines and cars upon the railroads within the city;
- Bathing.** *Eleventh.* To prohibit or regulate bathing in any public water, and to provide for cleansing Grand and Cedar rivers of drift-wood and other obstructions within the city limits;
- Vagrants.** *Twelfth.* To restrain and punish drunkards, vagrants, mendicants, street-beggars, and persons soliciting alms or subscriptions for any purpose whatever;
- Pounds.** *Thirteenth.* To establish and regulate one or more pounds, and
- Cattle.** to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding;
- Dogs.** *Fourteenth.* To regulate and prevent the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog-fights in the streets;
- Offensive substances.** *Fifteenth.* To prohibit any person from bringing and depositing within the limits of said city any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction thereof. If any person shall have on his premises such substances, or any putrid meats, fish, hides, or

skins of any kind, and on his default, to authorize the removal or destruction thereof, by some officer of the city;

Sixteenth. To regulate the ringing of bells, and the crying of ^{Ringings of bells.} goods or other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Seventeenth. To prescribe the powers and duties of watchmen, ^{Watchmen.} and the fines and penalties for their delinquencies;

Eighteenth. To regulate and establish the line upon which ^{Building lines.} buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line by fine upon the owner or builder thereof, not to exceed five hundred dollars;

Nineteenth. To regulate the burial of the dead, and to compel ^{Burial of the dead.} the keeping and return of bills of mortality;

Twentieth. To establish, order and regulate the markets; ^{Markets.} to regulate the vending of wood, meats, vegetables, fruit, fish, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided,* That nothing herein contained shall au- ^{Proviso.} thorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter, within the limits of the city;

Twenty-first. To supply the city with water, to establish, ^{Reservoirs.} regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water;

Twenty-second. To regulate sextons and undertakers for the ^{Sextons.} burial of the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;

Twenty-third. To prevent runners, stage drivers and others, ^{Runners, etc.} from soliciting passengers and others to travel or ride in any stage, omnibus, or upon any railroad, or to go to any hotel, or otherwheres;

Twenty-fourth. Concerning the lighting of the streets and ^{Lighting of streets.} alleys, and the protection and safety of public lamps;

- Peddling.** *Twenty-fifth.* To regulate and restrain hawking and peddling in the streets, and to regulate pawnbrokers;
- Duties of officers.** *Twenty-sixth.* To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;
- Water in river.** *Twenty-seventh.* To preserve the salubrity of the waters of Grand river, or other streams within the limits of the said city, to fill up all low grounds or lots covered, or partially covered with water, or to drain the same, as they may deem expedient;
- Stands for carriages.** *Twenty-eighth.* To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city;
- Clearing of sidewalks.** *Twenty-ninth.* To compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow, dirt, wood or obstructions.
- Groceries, etc.** **Sec. 8.** The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon corporate authorities of cities and villages in relation to tavern keepers and common victualers, and subject to the same conditions and limitations; and the general laws of this State now in force, or which may hereafter be enacted in relation to the regulation of taverns, groceries and common victualers, shall be deemed applicable to this city, unless otherwise limited.
- Licensing tavern-keepers.** **Sec. 9.** No person shall engage in or exercise the business or occupation of tavern keeper, inn holder, common victualer, or saloon keeper, within the limits of said city, until he is first licensed as such by the common council; and any person who

shall assume to exercise such business or occupation, without having first obtained such license, shall forfeit and pay for every day he shall so exercise such occupation or business, the sum of two dollars, to be recovered by action of debt, in the name of the city of Lansing, before any justice of the peace of said city, together with the costs of prosecution.

Sec. 10. The common council shall have power to grant licenses, to authorize persons to exercise the business of tavern keeper, inn holder, common victualer, or saloon keeper, within said city, and may impose such fees to be paid into the city treasury, on the granting of such license, as they may see fit.

Sec. 11. The common council shall also have power, by ordinance or otherwise, to require the owners or occupants of any mill-race within the said city, to cover the same with bridges or arches, to be constructed with such materials as the common council shall direct, or they may direct the same to be covered in the same manner that other public improvements are directed to be made.

Sec. 12. Whenever the owner or occupant of any mill-race shall refuse or neglect, within such time as the common council shall have appointed, to cover such mill-race in the manner and with the materials by them directed, it shall be lawful for the common council to cause the same to be done at the expense of the city, and to recover the expenses thereof, with damages at the rate of ten per cent., with costs of suit, from such owner or occupant.

Sec. 13. The common council shall have power, whenever in their opinion the necessities of the city require, to construct city watch-house, city hall, and city market or markets, and to appoint the keepers, clerks, and necessary officers thereof; and may locate such city watch-house, city hall, and city market or markets within or without the city limits, and may make such regulations concerning the same as the common council may think proper.

Sec. 14. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the

Collecting
forfeited
money.

Council to
grant li-
censes.

To compel
owners to
cover mill
races.

Proceedings
when owner
refuses to
cover mill
race.

Council au-
thorized to
construct
watch house,
etc.

To purchase
land for city
cemetery.

Ibid. corporation limits, for the purpose of a city cemetery or cemeteries; and they shall make such rules and regulations regarding the same as they may deem necessary, and may cause the same to be surveyed into suitable lots, and may dispose of the same to purchasers, and thereupon cause to be executed to such purchaser a good and sufficient deed, in the corporate name of said city, which deed shall be signed by the mayor and clerk.

To purchase a potter's field. Sec. 15. The common council shall have power to purchase a potter's field, within or without the city limits, for the burial of the city poor, and may make such rules and regulations concerning the same as they may deem necessary.

Power to prescribe penalties for violation of ordinances. Sec. 16. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty, not exceeding one hundred dollars, (unless the imposition of a greater penalty be herein otherwise provided,) for a violation thereof, and may provide that the offender, on failing to pay the penalty imposed, shall be imprisoned in the county jail of Ingham county, for any term not exceeding ninety days, which penalties may be sued for and recovered, with costs, in the name of the city of Lansing.

When ordinances shall take effect. Sec. 17. No ordinance of the common council, imposing a penalty, shall take effect until after the expiration of at least three days after the first publication thereof in a newspaper published in said city.

How record may be used in evidence. Sec. 18. A record or entry made by the clerk of the said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of such first publication; and all laws, regulations and ordinances of the common council may be read in evidence, in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto, either—

First. From a copy certified by the clerk of the city, with the seal of the city of Lansing affixed; or,

Second. From the volume of ordinances printed by authority of the common council.

Sec. 19. Whenever the common council are required by law ^{What} to make publication of any notices, ordinances, or resolutions ^{deemed} or proceedings, in one or more newspapers of the said city, it ^{sufficient} shall be deemed sufficient to publish the same in any daily or ^{publication.} weekly newspaper published in said city.

Sec. 20. On the last Tuesday in the month of April, in each ^{Annual} year, the common council shall audit and settle the accounts of ^{statement.} the city treasurer, and the accounts of all other officers and persons having claims against the city or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessment for opening, paving, planking, repairing, and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Sec. 21. The said statement shall be signed by the mayor ^{By whom} and clerk, and filed with the papers of the city; and the same ^{signed,} shall be published by the clerk, at the expense of the city, in ^{Where} some newspaper thereof, to be designated by the common ^{published.} council, previous to the first day of May thereafter.

Sec. 22. No ordinance or resolution passed by the common ^{When any} council shall have any force or effect, if on the day of its pas- ^{ordinance} sage, or on the next day thereafter, the mayor, or other officer ^{shall take} legally discharging the duties of mayor, shall file in the office ^{effect.} of the city clerk a notice in writing, suspending the immediate operation of such ordinance or resolution. If the mayor, or ^{Two-thirds} other officer legally exercising the office of mayor, shall, within ^{vote necess-} twenty-four hours after the passage of such ordinance or resolu- ^{ry when} ^{mayor ob-} ^{jects.}

tion, file in the office of the city clerk his reasons in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor, or other officer legally discharging the duties of mayor; and if so repassed, shall go into effect according to the terms thereof. If such reasons in writing shall not be filed with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been filed with the city clerk; and no ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until after the expiration of twenty-four hours after its passage.

When shall
take effect
if objections
are not filed.

Clerk to re-
port papers
when filed.

Power of
council to
make con-
tracts.

Sec. 23. It shall be the duty of the city clerk to communicate to the common council, at its next meeting, any paper that may be filed with him pursuant to the last preceding section.

Sec. 24. The common council shall have power to make contracts for the performance of any work to be done, or any public improvement to be made in and for said city.

TITLE IV.

OF THE CITY OFFICERS.

Powers and
duties of
mayor.

Sec. 1. The mayor shall be president of the common council and shall preside at all its meetings; but when absent, the common council may appoint one of its members, who shall preside.

To take care
that laws are
executed.

To have
control of
officers.

To recom-
mend meas-
ures.

Sec. 2. It shall be the duty of the mayor to take care that the laws of the State, and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be

resolved upon by them, and in general, to maintain the peace and good order, and advance the prosperity of the city.

Sec. 3. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the public peace, and as such, shall each have and exercise all the power and authority of justices of the peace in criminal cases, and in enforcing the laws of this State, relating to the police thereof, but shall have no jurisdiction of civil cases, other than such as by this act shall be expressly conferred upon them, or either of them.

Sec. 4. The clerk shall keep the corporate seal, and all the papers and files belonging to said city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make minutes of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places, when produced, of the matters therein contained; he shall countersign all licenses granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book the name of every person to whom a license shall be granted, and the number of such license, and the date thereof, and the time during which it is to be continued in force, and the sum paid for such license. No license for any purpose granted shall be valid until thus countersigned by the clerk.

Sec. 5. The clerk shall draw his warrant on the treasurer for all moneys appropriated or ordered by the common council to be paid, specifying in such order the purpose of such appropriation, and the fund from which it shall be paid; and the clerk shall keep an accurate account, under appropriate heads, of all expenditures, of all orders drawn upon the treasury, in a ledger to be kept by him for that purpose.

Sec. 6. The clerk shall be the sealer of weights and measures of the said city, and shall perform all the duties of town-ship clerk, so far as the same applies to the sealing of weights

and measures, and the laws of this State relating to the sealing of weights and measures shall apply to the said city.

To publish ordinances.

Sec. 7. The clerk shall publish at least one week in a newspaper printed in the city, all the ordinances of the common council, for the violation of which any penalty may be imposed, and all votes, ordinances and resolutions, directing the payment of money, shall be published at least once in like manner, within eight days after the passage of such vote, ordinance or resolution; he shall also perform such other duties as this act shall direct, or which may be directed by ordinance of the common council.

Other duties

Treasurer to receive all city moneys.

Sec. 8. The treasurer shall receive all moneys belonging to the city, and shall collect all taxes levied or assessed in the city, and for that purpose he shall give bond to said city in such sum and with such surety or sureties as the common council shall

To give bond and security.

require and approve; and such treasurer shall also give to the treasurer of the county of Ingham such further security as is or may hereafter be required by law of the several township treasurers of the several townships of this State; the said treasurer shall pay no money out of the treasury except in pursuance and by authority of law, and on a warrant signed by the clerk and countersigned by the auditor, which shall specify the purpose for which the amount thereof is to be paid, and the fund from which it is to be paid, and he shall keep an accurate account of, and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation; and shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the auditor.

To pay out money on warrants.

To keep acc't of moneys received.

To possess power of township treasurers.

For the purposes of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, and for the purpose of suits for the collection of taxes, the said treasurer, on giving the bonds or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State, as prescribed by law,

and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes.

Sec. 9. The treasurer shall, at the first regular meeting of the common council in each month, make report of the finances of said city, showing what appropriations and payments have been made out of each of the several funds of said city since his last preceding report, and of the state of each of said funds. The books and accounts of the treasurer shall, at reasonable hours, be open to the inspection of any elector of said city; the treasurer shall exhibit to the common council, at the last regular meeting in the month of April, a full and fair account of the receipts and expenditures after the date of his or the last annual report, and also the state of the treasury, which account shall be referred to a committee for examination, and if found to be correct, shall be filed and published.

Sec. 10. It shall be the duty of every alderman in said city, to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

Sec. 11. That alderman in each ward of said city whose term of office shall soonest expire, shall be the supervisor within and for his ward for the last year of his term, and shall have and exercise within his ward, all the powers, authority and functions of supervisors of towns as now provided, or may hereafter be provided by law, except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Ingham, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform, as supervisors, such other duties as by this act shall be required of them; and in case of

Vacancy in
office of su-
pervisor;
how filled.

a vacancy, by death, of such supervisor, or by reason of sickness, absence or other disability to perform the duties of supervisor, the associate alderman of the same ward is hereby authorized to perform the duties of supervisor until such disability shall cease; and a certificate of appointment from the supervisor, or in case of his death, or inability to give such certificate, a certificate of the mayor shall be sufficient authority to entitle such associate alderman to recognition, if objected to, as the proper representative of his ward for the time being, at any meeting of the board of supervisors of Ingham county.

Certificate of
appointm't;
by whom
given.

Annual
assessment.

Sec. 12. The annual assessment of property in the several wards shall be made by the city assessor, as herein provided.

Assessor;
duties of.

He shall be entitled to a seat on the board of supervisors, for the purpose of deliberation and debate, and may act on committees, but shall have no vote. For such services he shall be entitled to the same pay as a supervisor.

Fees of.

Attorney.

Sec. 13. The attorney or counselor of the city shall perform such duties and exercise such powers as shall be assigned to him by the common council, by an ordinance duly enacted.

Marshal to
superintend
work on
streets.

Sec. 14. It shall be the duty of the marshal to superintend, under the general direction of the common council, all work to be done or performed, ordered or required to be done or performed, upon or in relation to any of the public streets, walks, bridges, sewers, or public pumps, reservoirs, or grounds of said city, and to perform such other duties as by this act, or the ordinances or resolutions of the common council shall be required. He may also serve all process that may issue from any court or magistrate of said city, the same as any constable or the sheriff of the county of Ingham, and with the same power and authority. In the absence of the marshal, or his inability to serve, any constable designated by the mayor or common council may perform his duties.

Serve
process.

City auditor
to counter-
sign orders.

Sec 15. The city auditor shall countersign all orders for the payment of money out of the city treasury, after having ascertained from the minutes that it has been appropriated by the common council, and he shall make a record of all orders so

countersigned, and shall perform such other duties as the common council shall by ordinance prescribe, and such other duties as are prescribed by this act.

Sec. 16. The city surveyor, fire wardens, common criers, City surveyor and other officers. pound masters, inspectors of firewood and weigh-masters, shall perform such duties, and if required, shall file such securities as the common council shall by ordinance direct.

Sec. 17. The common council shall annually determine the Compensation of officers. salary or compensation to be paid to the several officers of said city.

TITLE V.

OF TAXES, FUNDS AND EXPENDITURES.

Sec. 1. The assessor shall, before the first day of August in Assessment roll. each and every year, make and complete the assessment of all the real and personal property within the several wards, in the same manner, as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so doing shall in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes.

Sec. 2. For the more effectual assessment and collection of Part-paid State lands; assessor to apply for list of taxes upon such State lands, whether primary school, State building lands, or otherwise, lying within the limits of the said city, as shall have been or shall hereafter be sold by the State, upon which the purchase money has not been all paid and the title to which still remains in the State, it shall be the duty of the city assessor, at least thirty days before the time prescribed in this act for completing the assessment rolls, to apply to the Commissioner of the State Land Office, and it shall be the Commis'r of State Land Office to furnish. duty of the said Commissioner, on such application, to make out and deliver to the said assessor a correct list and description of all such State lands, within the limits of the said city, which list shall be filed by said assessor and kept in his office, and so

How to be
entered on
roll.

much thereof as shall be situated in any of the wards of the said city shall be enrolled in a separate part of the assessment roll of such ward, under the title of "State lands," and if occupied, shall be assessed to the occupant or occupants thereof, but if not occupied shall be assessed as non-resident.

Day for
reviewing.

Sec. 3. On the first Saturday in August the assessor shall be present in his office for the purpose of reviewing his assessments in the several wards, according to law, and he shall cause printed notices thereof to be posted in three of the most public places in each ward, at least one week previous thereto.

Council to
determine
amount of
tax to be
raised.

Sec. 4. It shall be the duty of the common council of said city, on the first Monday after the board of supervisors of the county of Ingham shall have completed the equalization of the valuation of the property in the wards of the city, and townships of the county, for such year, or as soon thereafter as may be, to determine by resolution the amount necessary to be raised by tax, for the purpose of defraying the expense of, and all liabilities incurred by said city. And the common council

Amount of
tax limited.

may raise by tax, to be levied upon the real and personal property within said city, such amount so determined, not exceeding seven mills on a dollar, (exclusive of interest on the bonded debt of the city, and bridge taxes,) on the valuation of such real and personal estate, within the limits of said city, according to the valuation thereof, taken from the assessment roll of that year, which amount determined as aforesaid, shall be apportioned among the several wards of the city, according to the valuation of the property in the assessment rolls, as equalized by the board of supervisors, and the apportionment of the common council entered at large on the records. And the common council, in addition thereto, shall determine the amount necessary to be collected in each ward respectively, for ward and highway purposes, not exceeding two thousand dollars in any one ward. But all ward and highway taxes shall be passed to the credit of and expended in the ward in which they may be collected. And it shall be the duty of the assessor to levy

Council to
decide am't
each ward
shall raise.

the sums apportioned to the respective wards, and such other taxes as may be required by law, upon the taxable property of each ward, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State. Whenever the common council shall deem it necessary to raise a greater sum in one year than the amount specified and limited in this section, they may call a meeting of the electors of said city by giving at least ten days' notice in writing, to be posted up in six public places in said city, and by publishing said notice in one or more of the newspapers published in the city, which notice shall state the time and place of said meeting, and the purpose for which the money to be raised is to be expended; and when such meeting shall be assembled in pursuance of such notice, such electors, by ballot, shall determine what amount of money shall be raised for such object specified in the notice: *Provided*, That such tax shall not in any one year exceed one per cent. upon the valuation of the real and personal property taxable within the city, unless otherwise provided in this act: *And provided also*, That not more than two such meetings shall be called or held in any one year; and at all such meetings the mayor, or in his absence, any member of the common council present shall preside.

Sec. 5. The assessor shall make and complete the tax rolls of the several wards of the city, and shall deliver them to the city treasurer at the time prescribed by law for the delivery of the township tax rolls to the township treasurer, and a copy to the city clerk, with his warrant attached to each of said assessment rolls under his hand, commanding such treasurer to collect from the several persons named in said rolls, the several sums mentioned in the last column of said rolls opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of January then next; and the said warrant shall authorize the city treasurer, in case any per-

Assessors to
levy taxes
on taxable
property.

Manner of
raising extra
tax.

Notice of
meeting.

Electors to
determine
amount to
be raised.

Proviso.

Ibid.

Assessor to
complete
and deliver
rolls to
treasurer.

Treasurer
ordered to
collect taxes

Power of, to
sell goods
and chattels.

May notify
persons
through the
newspapers.

son named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of goods and chattels of such person. And when such tax rolls are delivered to the city treasurer, as aforesaid, he may notify the tax-payers of the city, by publishing such notification, at his own expense, in one or more of the newspapers published in the city, for at least two successive weeks; and after such notification it shall be the duty of each and every person against whom taxes are assessed, to pay the same at the office of said city treasurer.

Fees of.

Sec. 6. For the collection of all taxes the treasurer shall be entitled to receive such percentage as shall be prescribed by the common council by ordinance, not exceeding two per cent upon the sum to be collected.

Taxes to re-
main a lien
on property.

Sec. 7. The taxes so levied for city and ward purposes shall be and remain a lien upon the property on which the same was levied, in like cases, to the same extent, and in like manner as taxes required by law to be levied on property in the several townships in this State are liens upon such property; and all provisions of law respecting the return and sale of property for the non-payment of taxes for State, county, and township purposes, shall apply to the return and sale of property for the non-payment of such city taxes, except as herein otherwise provided.

Proceeds of
sales to be
paid to
treasurer.

Sec. 8. The net proceeds of the sales of all property delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Ingham, whenever required by the city treasurer, and the net proceeds of all sums paid to the treasurer of the county of Ingham, before sale, on account of property within said city returned delinquent for non-payment of city taxes, shall in like manner be paid to said city treasurer.

Proceedings
when State
lands are
taxed.

Sec. 9. It shall be the duty of the Commissioner of the State Land Office, within ten days after the receipt by him of the returns of the treasurer of the county of Ingham, of land assessed as State lands, as provided in section two of this title, to cause to be made out, certified and delivered to the Auditor

General a correct list of all said State lands, together with the taxes assessed thereon, so returned to him as aforesaid; and the Auditor General shall thereupon cause to be credited to the said county of Ingham all taxes so returned.

Sec. 10. It shall be the duty of the said Commissioner of Duty of Com'r of St. Land Office concerning lands taxed. the State Land Office, on receipt of the returns as provided in the last preceding section, forthwith to charge to each description of land contained in such returns, the taxes appearing thereby to have been assessed therein; and thereupon such taxes, together with the interest thereon at the rate of fifteen per cent. per annum from the first day of February next preceding, shall remain and continue a charge and lien upon the interests of the respective purchasers of such lands, to the same extent, and shall be enforced and collected in the same manner, in every respect, as now is or shall hereafter be provided by law for the enforcement and collection of the interest upon the balance of purchase money remaining unpaid upon such lands.

Sec. 11. For the purchase and improvement of a city cemetery or cemeteries, the common council may borrow on the faith of the city, a sum not exceeding three thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent. per annum, payable annually, and for that purpose may issue the bonds of the city, signed by the mayor and clerk, and countersigned by the auditor, and in such form and in such sums (not exceeding in the aggregate the said sum of three thousand dollars) as the common council shall direct, and such bonds shall be disposed of under the direction of the common council of said city, upon such terms as they shall deem advisable, but not less than their par value, and the avails shall be applied in the purchase and improvement of a city cemetery or cemeteries, and the necessary appurtenances, and for no other purpose whatsoever. Council; power of, to borrow money for cemeteries. To issue bonds. How bonds shall be disposed of.

Sec. 12. It shall not be lawful for the common council (except as herein otherwise provided) to borrow any money or authorize the creation of any liability or indebtedness against Limit of power to borrow money.

How indebtedness shall be paid.

Right of, to levy taxes for local improvements

said city in any one year exceeding in the aggregate the amount of one per cent. of the assessed valuation of the property in said city; and in case any sum or sums of money shall be borrowed by said common council the same shall be paid out of the sums raised by tax for such year, if the payment thereof is not otherwise provided, and all sums of money borrowed by said city shall be applied to the purposes for which the same was borrowed, and for no other purpose whatsoever; but nothing in this act contained shall be construed to prohibit said common council from making assessments and levying and collecting taxes for the purpose of local improvements.

To create a sinking fund.

Sec. 13. Whenever, by the provisions of this act, or any act of the Legislature, the common council shall be authorized to issue city bonds for the payment of any sum or sums of money, the said common council shall thereupon have the power to create a sinking fund for the payment of the principal as it falls due, which fund shall be raised by a direct tax, which shall not exceed in any one year one cent on the dollar on the valuation of the real and personal property within said city.

To allow and settle city accounts.

Sec. 14. The common council shall examine, settle, and allow all accounts and demands properly chargeable against said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitations and restrictions in this act contained.

All accounts to be verified by affidavit.

Sec. 15. The accounts and demands of all persons against the city shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of said common council.

Money; how drawn from treasury.

Sec. 16. No money shall be drawn from the city treasury, except school moneys, unless it shall have been previously appropriated to the purpose for which it shall have been drawn; and all ordinances, resolutions and orders directing the payment of money shall specify the object and purposes of such payment, and the fund from which it shall be paid, which shall

be certified by the clerk, and countersigned by the auditor, before the same shall be paid by the treasurer.

Sec. 17. No bond, obligation, or evidence of indebtedness of ^{How notes, bonds, etc. may be issued.} said city shall ever be given or issued by said city, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money, except as expressly provided in this act, or by an act of the Legislature. Nor shall any order or warrant for the payment of money be drawn upon the treasury when there shall not be sufficient funds in the treasury to pay the same, unless the same shall have been submitted to and voted for by the electors of said city in conformity to this act, or an act of the Legislature: *Provided*, That in cases of special assessments, under title six ^{Proviso.} of this act, orders or warrants may be drawn to the amount of the assessment made.

TITLE VI.

OF STREETS AND PUBLIC IMPROVEMENTS.

Sec. 1. The common council of the city of Lansing shall ^{Council; power of, to lay out streets.} have power to lay out, establish, open, extend, widen, straighten, alter, close, vacate, or abolish any highways, State roads, streets, avenues, lanes, alleys, public grounds, or spaces in said city, except public grounds used and occupied by the State of Michigan, to construct any embankments or levees upon the banks of the Grand or Cedar rivers whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the just compensation to be made for the ^{Jury to allow compensation to owners.} same, and the damages arising to any person from the making of said improvement, shall be ascertained by a jury of twelve freeholders, residing in the county of Ingham.

Sec. 2. Whenever the common council shall deem any such ^{Proceedings when private property is taken.} improvement necessary, they shall so declare by resolution, describing the contemplated improvement; and if they intend to take private property therefor, they shall declare such intention and describe such property in said resolution; and further

Notice to
owner; how
delivered.

Action when
owners can-
not be found

declare that they will on some day, to be named in said resolution, meet to determine the necessity for using the property intended to be taken, if it be intended to take any for such improvement. The common council shall give notice of such meeting, and of the intended improvement, by causing a copy of said resolution, certified by the clerk, to be delivered to the owner or owners, or agent of any private property intended to be taken, or that will be damaged by said improvement, if they can be found in said city. If they cannot be found, by leaving the same at their place of residence in said city with some person of proper age. If they or their place of residence cannot be found, and such property be occupied, said notice shall be served by delivering the same to the occupant or occupants, or by leaving the same at their place of residence, within said city, with some person of proper age. But if the owner or owners, or agent of such property, or their place of residence cannot be found, and it be not occupied, or if the owner or owners, occupant or occupants, be unknown, or non-residents of said city, then in either of such cases, notice of such meeting may be given by publishing a copy of said resolution in some newspaper regularly published in said city, for two successive weeks, or by posting the same in six or more public places in said city. And all persons interested therein, after notice served upon them as aforesaid, not less than three days, or if published, as aforesaid, for two successive weeks before the time of such meeting of the common council, shall take notice of, and be bound by all subsequent proceedings without any further notice.

Day for hear-
ing parties
interested.

Sec. 3. Upon the day designated in said resolution, or some other day adjourned to by the common council, they shall hear the persons interested; and if, after hearing the parties interested who may appear before them, they shall determine to take the private property described in said resolution for such improvement, and shall further determine what time and place they will make an application to a justice of the peace of said city for a jury to ascertain the just damages and compensation

for taking such property, it shall be the duty of the city clerk, or in his absence the mayor, to apply to the justice of the peace selected by the common council at the time and place determined on by them for a jury, at which time, or at some other time appointed by said justice of the peace, he shall make a list of twelve disinterested freeholders, residing in the county of Ingham, and shall issue a venire under his hand, directed to the marshal of said city, or sheriff, or any constable of said county, commanding the officer therein named to summon the persons named in said list, to be and appear at his office on some day to be therein named, not less than two days nor more than six days from the time of issuing the same, to serve as jurors. The officer shall serve such summons at least one day before the return day thereof, and make return in the same manner as in the case of summons for other jurors of said court; and the person thus summoned shall be bound to attend said justice's court and serve until discharged, unless exempt and excused by said justice from serving, for the same reason that other jurors may be excused or exempted; and if all the jurors shall not appear the said justice shall cause a sufficient number of talesmen to be summoned to make a full jury. The jurors shall be sworn to discharge their duties faithfully, and according to the best of their abilities.

Summoning
of jury.

Duties of
jurymen.

Sec. 4. Said justice shall deliver to said jury a description of the improvement intended to be made, and of the property determined to be taken by the common council, certified to by the city clerk, and the city attorney shall give said jury legal advice and counsel concerning their duties whenever requested. The jury shall go to the place of the intended improvement, and upon, or as near as practicable, to any property intended to be taken, or, as the case may be, which will be damaged or benefited; said jury shall then ascertain the just damage and compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by the intended improvement; and in estimating any damages, they may take into consideration the benefit such improvement will

Jury to in-
spect prop-
erty and
award
damages.

be to the owner or owners of such property to be taken; and they shall award to the owner or owners of the property intended to be taken, or that will be damaged, such compensation as they shall deem just.

Owners and
holders of
mortgages to
be proportion-
ally taxed.

Sec. 5. If such property shall be subject to a valid mortgage, lease and agreement, or to either, and such facts shall be made to appear to the jury, then said jury shall apportion and award to the owners of such property, the parties in interest to such mortgage, lease and agreement, or to either of them, such portions of the damages and compensation as they shall deem just; and in all cases where any such damages shall be awarded, they shall be payable out of the city treasury, and the means thereof shall be raised from time to time, as may be necessary, with the general city taxes.

Duty of jury
in case alleys
are to be
opened.

Sec. 6. In cases of the laying out, establishing, opening, widening, altering or vacating an alley or alleys, said jury shall further proceed to apportion the total damages and compensations to be paid for the proposed improvement, among the lots of land, premises, or subdivisions thereof within the block, in which the alley in question is situated and which will be benefited by the proposed improvement, apportioning and assessing the same upon said lots, premises or subdivisions thereof, as near as may be in proportion as the same will be benefited by said improvement. The word alley, as used in this section, shall be construed to mean only those ways or passages that bisect or divide the interior of a block. No alleys shall be opened except upon a petition of the owners of a majority of the lots on the block or blocks to be intersected thereby, and upon security being given to indemnify the city against the expenses of opening said alleys.

How term
"alley" shall
be construed

Jury to
make report.

Sec. 7. Said jury, after completing the aforesaid duties, shall then make, in writing, signed by each of them, a report to said justice of the peace of their doings, and file it with said justice, within two days after they were sworn. They shall state in their report the just damages and compensation ascertained

and awarded by them, to the owner or owners of any private Contents of. property, or to any person claiming an interest therein, by virtue of any valid mortgage, lease or agreement, to which such property may be subject, together with the name of such owner or owners and claimants, if known, and a description of the property intended to be taken. Said jury shall also, in the cases provided for in this section, state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises or subdivisions thereof, which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and description of the same, and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Lansing; and said jury shall make a statement of the time spent by them, and shall be entitled to receive one dollar per day and fifty cents for each half day, and the justice and officer who served said venire, one dollar each for their fees.

Sec. 8. The report of said jury, filed with said justice, shall Jury to file report with city clerk. be certified by him, and delivered to the city clerk within two days after such report is filed with him; and it shall be the duty of the city clerk to inform the common council at their next regular meeting of the delivery of such report to him, which report shall then be read, and any person to whom damages and compensation may be awarded for any of his property Time for making corrections. intended to be taken, considering himself aggrieved in the award of damages assessed and returned by the jury, may appear before the common council at such meeting, or at such other meeting as the common council shall then appoint, and present his claim before said council, and said council shall hear the proofs and allegations in respect to said damages, and render their decision thereon. The common council shall thereupon confirm or annul said report as they shall deem best. A majority elect of said common council shall be necessary to decide all such questions submitted to them.

Proceedings
when report
is not con-
firmed by
council.

Sec. 9. If the report of the jury is not, confirmed by the common council, or if the jury, so summoned as aforesaid, cannot agree, or from death, sickness or other cause shall fail to make a report within the two days above required, a second or more applications may be made by said mayor or clerk to a justice of the peace of said city, when another jury shall be obtained in the same manner, and bound to serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury; and the same proceedings shall be had as after the first jury was sworn. But no report of any jury shall be set aside or annulled for objections as to matters of form; all objections to the report of any jury shall be objections of law and to matters of substance; but the damages and compensation to be paid to any person, or the portions thereof apportioned to and assessed upon any lot of land, premises or subdivision thereof, may be inquired into if excessively large or small.

Objections.

Decision of
council to
be final.

Sec. 10. A decision of the common council confirming said report shall be final and conclusive as to all persons interested therein; and the damages and compensation apportioned to and assessed upon any lot of land, premises or subdivision thereof, according to said report, as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied. When the report of the jury has been thus confirmed, the clerk shall file it in his office, and record the same at length in a book used and known as a book of street records, and such record or a certified copy, shall, in all courts and places, be presumptive evidence of the matter therein contained and of the regularity of all proceedings from the commencement thereof to the confirmation of such report by the common council.

Clerk to file
report.

Assessments
to be paid to
treasurer.

Sec. 11. The amounts apportioned to and assessed upon all lots of land, premises or subdivisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city, in case of confirmation of the report of the jury, as above provided, and may be collected in the same manner as other

special assessments; and any amounts not paid to said treasurer within such time as the common council shall fix, shall be reported to the city clerk, and the clerk shall notify the assessor, and said amounts shall be assessed upon the assessment rolls of the wards in the same manner as provided by section twenty-four of this title, and shall be collected and sold as provided by said section.

Taxes not paid to be placed on assessment rolls.

Sec. 12. Within sixty days after the confirmation of the report of the jury, the common council shall pay or tender to the respective persons, the several amounts of damages and compensation awarded to them according to the report of the jury as confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the treasury of the city to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person competent and entitled to receive the same. Upon such payment, tender or deposit in the city treasury, the same shall become a public highway, and the common council may enter upon, take possession of and convert the same to the uses and purposes for which said property has been taken; a certificate of the city treasurer of such tender, payment or deposit, or record thereof in the book of streets records, or certified copy of such record, shall in all courts and places be presumptive evidence of the facts therein stated, of the vesting of the fee of the property in the city of Lansing, and of the right of the common council to take possession of, and convert the same to the uses for which it has been taken.

Council to tender compensation to owners.

To deposit money.

When council may take possession.

Sec. 13. The common council shall have power to treat for and obtain a release of the right of way of any street intended to be opened or laid out by them; and whenever any person or persons owning the land through which a street is intended to be opened, shall release to the city of Lansing the right of way by deed or otherwise, and any such release shall be re-

Council may obtain right of way.

Release to be recorded.

corded in the book of street records, by order of the common council, the same shall become public highway.

Council to
be commis-
sioners of
highways.

To direct
improving of
highways.

To cause
streets to be
re-surveyed.

To divide
city into
highway
districts.

Duties of
street in-
spectors.

Sec. 14. The common council shall be commissioners of highways for said city, and shall have the care and supervision of the highways, sidewalks, streets, bridges, lanes, alleys, parks, and public grounds therein not belonging to or occupied by the State; and it shall be their duty to give directions for the repairing, preserving, improving, cleansing and securing of such highways, sidewalks, bridges, lanes, alleys, parks, and public grounds, and to cause the same to be repaired, cleansed, improved, and secured, from time to time as may be necessary; to regulate the roads, streets, highways, lanes, parks, and alleys already laid out, or which may hereafter be laid out, and to alter such of them as they shall deem inconvenient, subject to the restrictions contained in this title; to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded, in the office of the city clerk of said city, in the book of street records; and the recording of such highways, streets, lanes, alleys, or public grounds, so ascertained and described, or which shall hereafter be laid out and established by the said common council, and recorded in the book of street records in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described; to divide said city, from time to time, into so many highway districts as they shall deem expedient, by an ordinance or resolution entered in their minutes; to appoint and assign to each of such districts so many inspectors of streets as they shall from time to time deem proper.

Sec. 15. The street inspectors of the several ward districts, or city marshal, under the general direction of the common council, shall at all times keep the streets, bridges, culverts, and drains allotted to him or them to oversee, in thorough repair, and free from obstructions; they shall report on oath to

the common council, once in each month, which report shall contain an accurate statement of the amount of labor performed, and the expenses necessarily incurred for material, and the streets upon which the same was performed, or expense incurred, and their charges for the same. To make report.

Sec. 16. The common council shall examine such report, and if satisfied of its correctness, and that the charges therein made are just and reasonable, they shall accept it and order it filed; but if they are satisfied that it is incorrect, or that the charges therein are unreasonable, they shall alter the same as they think proper, and shall allow such charges as they shall deem just and equitable; they shall then let said report lay upon the table one week, and if not withdrawn by the inspector or marshal, by filing a notice in writing to that effect with the city clerk in that time, they shall accept it, and order it filed as corrected by them; when so filed, the clerk shall draw an order upon the highway fund of the district for the amount. Council to examine and allow report.

Sec. 17. The common council shall have power to cause common sewers, drains, vaults, arches and bridges, wells and pumps, and reservoirs, to be built in any part of the city; to cause the grading, raising, leveling, repairing, amending, paving, or covering with stone, plank, or other material, any street, lane, alley, highway, public ground, cross-walk, or sidewalk, and to provide for the planting and protecting of shade trees along the sides of the streets and public grounds in said city; and whenever the common council shall order any of the improvements that are mentioned in this section, or in any section of title six of this act, and do not determine by resolution that the expenses of any such improvement shall be defrayed by the city or ward, or as provided by section nineteen, of said title six of this act, then such expenses of making any such improvement may be assessed and levied upon the lots, premises and subdivisions thereof which are in front of, or adjoining such streets, sidewalks, drains, sewers, and other improvements, that may be ordered by the common council; and the common May cause drains, etc., to be built.
When expenses shall be assessed on lots.

Council to
pass laws rel-
ative to as-
sessing and
collecting
taxes.

council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, and may provide by ordinance for assessing such tax in the general assessment rolls of the city, which tax shall be and remain a lien upon the land, and if not paid, the land may be sold therefor in the same manner as provided for ordinary city taxes.

Rates to be
collected.

Sec. 18. The common council shall have full power to assess and collect of each individual using or being benefited by any public sewer or drain, as follows, to wit: The sum of one dollar and fifty cents annually for each cellar drained directly or indirectly by a drain into any public drain or sewer, which assessment shall be taken to include all other drainage of the premises to which said cellar especially belongs; and the sum of fifty cents annually for each lot or subdivision of a lot, being without a cellar, drained as aforesaid into any public drain or sewer, and such sums as may be fixed by the common council for all establishments requiring an unusual or extraordinary amount of drainage, drained as aforesaid, which sums when collected shall constitute the sewer fund, and shall be expended exclusively for the repair and construction of sewers; and the collection of the charges to individuals for drainage in this section provided, shall be enforced in such manner as the common council may by ordinance direct.

Proceedings
when ex-
pense of im-
provements
shall be de-
frayed by
owners.

Sec. 19. Whenever the common council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining, as they may think proper, the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; the costs and expenses of making the estimates, plans and assessments incidental thereto,

shall be included in the estimated expenses of such improvement: *Provided*, That in case of grading any street, a majority Provide. of the residents of said city owning property on any such street, shall petition for such grade. If after the survey and estimate of the expenses of said grade has been made, and before a contract is entered into by said city for the grading of any such street, a majority of such property owners shall remonstrate against said grade, and pay the expense of the survey and estimates, said grade shall not be made unless petitioned for again, and then not until after one year from said first petition.

Sec. 20. The assessor shall thereupon make an assessment Assessment on property benefited. upon all the owners or occupants of lands and houses within the portion of the city so designated, of the amount of expense in proportion as nearly as may be to the advantage which each shall be deemed to acquire by the making such improvements, and shall make out an assessment roll in which shall be entered the names of persons and the description of the property assessed, and the amount assessed to each person respectively, and in case any lots or parcels of real estate shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of townships, with the amount assessed thereon, which assessment roll shall be subscribed by him and returned within fifteen days to the common council of said city, unless such time be extended by resolution of said common council.

Sec. 21. Upon such return being made and filed, the clerk Clerk to publish notice. of the city shall cause notice to be published in a newspaper of the said city for at least ten days, giving a general description of the section or the portion of the city determined by the common council to be benefited by such improvement, and that said common council will, at a certain time and place to be designated in said notice, meet and review said assessment roll.

Sec. 22. At the day appointed for that purpose, and such Time for reviewing and corrections. other days as the hearing shall be adjourned to, the common

council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same person or by such other person as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper.

Treasurer to receive roll, with orders to collect.

Sec. 23. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive. Within ten days after such assessment shall have been so ratified, the mayor shall affix to such assessment and tax roll his warrant for the collection thereof, which warrant shall direct the treasurer to collect the same within the time prescribed by the resolution of the common council; and the said assessment and tax roll, with the warrant of the mayor annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall thereupon be authorized to levy and collect the same by distress and sale of any personal property in possession of the person chargeable with such tax.

Taxes to be a lien on real estate.

Sec. 24. When any special assessment for public, local or other improvements, or for any other purpose authorized by this act shall have been made, as in this act provided, and the tax roll for the same shall have been delivered to the treasurer for collection, the same shall be a lien upon the premises upon which the same was assessed, and the treasurer collecting such tax shall levy and collect the same of any personal property in the possession of that person chargeable with such tax, in the manner required by law; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the treasurer shall, within five days after the time prescribed by his said warrant for the collection thereof has expired, make a report to the city clerk of the sums so remaining unpaid, which he was unable, for want of such personal property, to levy and

Return of unpaid taxes

collect of the same, together with the description of the premises assessed for such unpaid taxes; and the city clerk, within five days thereafter, shall in like manner notify the assessor of the amount of such taxes, and the description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the tax roll of the proper ward next thereafter to be made, and such tax shall then be levied, collected and returned, and the said premises may be sold or forfeited for non-payment thereof, as provided by law for the non-payment of the ordinary city taxes.

Sec. 25. If upon completion of any such improvement for which an assessment shall have been made it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons owning the property assessed, in proportion to the amount collected of each description of such property, and shall pay the same to the person or persons who paid such excess, on demand.

Proceedings when too large an amt has been assessed.

Sec. 26. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated, as aforesaid, the common council may direct the assessment of the whole sum on the owners and occupants of houses and lands benefited by such improvements, in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, and the common council may enlarge the territory to be assessed for such improvements.

When the amount is too small.

Sec. 27. Whenever any special assessment to defray the expense of any improvement shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may from time to time, until a valid assessment is made, cause a new assessment to be made for the purpose for which the original assessment was made, and in the manner provided for making

Action of council when special assessment is involved.

Taxes paid to
be credited
on new as-
essment.

the original assessment; and whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment, set aside or held invalid as aforesaid, has been paid, and shall not have been refunded, it shall be the duty of the treasurer to apply said payment upon the re-assessment on said lot or parcel of real estate, and to make a minute thereof, upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied, after which no part of the amount paid on the original assessment shall be refunded unless the amount paid, as aforesaid, exceeds the amount of the re-assessment, in which case the excess shall be refunded, and the person who paid the same shall be the person entitled to the amount to be refunded.

Provisions
applying to
re-assessm'ts

All the provisions of this act making special assessments a lien upon the lots and parcels of real estate enforced therein, and also those relating to the collection of special assessments, shall apply to re-assessments. The provisions of this section shall apply to assessments heretofore made as well as those which shall hereafter be made.

Power of
mayor to
affix new
warrants.

Sec. 28. Whenever any special assessment shall not have been collected within the life of the mayor's warrant, affixed to the assessment roll, and shall not have been vacated or held invalid, the mayor may affix a new warrant to such assessment roll, extending the time for the collection of the same so long as the common council shall direct, and may continue to affix new warrants to any such assessment roll, from time to time, under the directions of the common council, until the assessment is collected or returned.

State Aud'ts
authorized
to allow cer-
tain money
to city.

Sec. 29. The board of State Auditors are authorized to allow the city of Lansing such sum or sums of money as they shall deem equitable, for any improvements made under this title, upon any street which abuts upon any block or parts of a block of land belonging to the State.

Limit of am't
raised in one
year.

Sec. 30. The common council shall not have power to make improvements nor raise by tax, under this title, in any one year, an amount to exceed forty thousand dollars.

Sec. 31. The common council are authorized to assess the lands of non-residents and unoccupied lands of said city their just proportion of the expenses of all improvements in said city in the same manner, and the amount so assessed may be collected in the same manner as assessments for improvements on other lands. It shall in all cases be the duty of the owner of every lot or parcel of land in said city, to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalk, and it shall be his duty to build sidewalks in front of or adjoining his premises. If any owner, after notice so to do shall have been posted on the premises, or otherwise given, served or published as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect so to do, for such time not less than twenty-four hours, as the common council, by a general or special ordinance, resolution or otherwise, may fix, the common council may cause the same to be done at the expense of the city, and may add such expense to the amount of the general city tax on such land in the next general assessment rolls of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or collected, the land sold therefor, in the same manner as for general city taxes. All sidewalks built shall be made of the material and be constructed in the manner and of the width as the common council shall, by a general ordinance, resolution or otherwise direct.

Power of council to assess non-residents.

Owners to keep sidewalks in repair.

Proceedings in case of refusal by owner to construct walks.

Sidewalks; how shall be built.

Sec. 32. In all cases of special assessments for local improvements no orders or warrants shall be issued, that will in the aggregate exceed the expense of such improvement, and in no case shall orders be issued while the work is in progress, to a greater amount than three-fourths of the expense made at the time of issuing the same, to be ascertained from the sworn estimates of the city engineer or other person employed by the common council for that purpose; and in case of any re-assessment the whole amount so re-assessed shall not exceed the amount nec-

Amount of orders that may be issued.

essary to defray the expense of the improvement for which such re-assessment is made, with the accumulated interest.

Bridge tax.

Sec. 33. All bridges over the Grand, Cedar and Sycamore rivers, and such other bridges as a majority of the common council elect shall by resolution determine, within the limits of said city, shall be built and kept in repair by and at the expense of said city. The common council of said city is hereby authorized to levy, assess and collect, in addition to all other taxes, a sufficient amount of tax annually for that purpose, which tax shall be known and designated as "bridge tax," and shall be used for no other purpose: *Provided*, That not more than three thousand dollars shall be raised in any one year, unless all additional sums be directed to be raised by the electors of the city upon a question submitted to and voted for by them as provided in title five of this act.

Proviso.

TITLE VII.

OF PREVENTION AND EXTINGUISHMENT OF FIRES.

Council to establish fire limits.

Sec. 1. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of the said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of the chimneys therein; and every person who shall violate such ordinance or regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed by such common council.

Penalty for violating.

May require scuttles on roofs.

Sec. 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roofs of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of

any house or other buildings for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expense thereof, with ten per cent. in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Sec. 3. The common council may, by ordinance, require the inhabitants of the city to provide such and so many fire buckets for each house or tenement therein, and within such time as they shall prescribe, and may require such buckets to be produced at every fire.

Sec. 4. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove-pipes, and all other conductors of smoke; and upon the neglect of the owner or occupant of any house, tenement or building of any description, having therein any chimneys, flues, stove-pipes, or other conductors of smoke, to clean the same, as shall have been directed by any ordinance, the common council may cause the same to be cleansed, and may collect the expense thereof, and ten per cent. in addition, from the owner or occupant whose duty it was to have the same cleansed.

Sec. 5. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the said city, and may appoint persons at all reasonable times, to enter into and examine all dwelling-houses, buildings and tenements of every description, and all lots, yards and enclosures, and to cause such as are dangerous to be put in a safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make the same safe, at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the number and condition of the fire buckets, and the situation of any building in respect to its exposure to fire, and whether

scuttles and ladders thereto have been provided, and generally with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

May procure
fire-engines,
etc.

Sec. 6. The common council may procure, own, build, erect and keep in repair, such and so many fire engines, with their hose and other apparatus, engine houses, ladders, fire hooks and fire buckets, and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells and reservoirs of water, as they from time to time shall judge necessary.

Organize fire
districts.

Sec. 7. The common council shall have power to organize said city into as many fire districts as they may deem necessary, and may organize and maintain a fire department for said city, to consist of one chief engineer, two assistant engineers, twice as many wardens as there are wards in the said city, a proper number of firemen, not exceeding fifty to each engine, such number of hook and ladder men, and such number of tub and hose men as may be appointed by the said common council, all to have privileges and exemptions of firemen, and to hold their appointment during the pleasure of the common council.

Make rules
and regula-
tions for
government
of firemen.

Sec. 8. The common council may make rules and regulations for the government of the said engineers, wardens, firemen, hook and ladder men, and tub and hose men, and may prescribe their respective duties in case of fire or alarms of fire; may direct the dresses and badges of authority to be worn by them; may prescribe and regulate the time and manner of their exercises, and may impose reasonable fines for the breach of any such regulations.

Powers and
duties of
firemen.

Sec. 9. The engineers and fire wardens, under the direction of the common council, shall have the custody and general superintendence of the fire engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment

of fires are duly executed, and to make detailed and particular reports of the state of the department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods, to be prescribed by the common council, and to make such reports to the mayor whenever required by him; the certificate of the city clerk that a person is or has been a fireman, shall be evidence of the facts in all courts and places, on proof of the genuineness of such certificate.

Sec. 10. The common council may, by ordinance, direct the manner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire. Council to direct manner of ringing bells.

Sec. 11. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub and hose man may receive in his person or property in consequence of his exertions at any fire. May provide for injured firemen.

Sec. 12. The common council may, by ordinance—

First. Prescribe the duties and powers of the engineers and wardens at fires and in cases of alarms of fire, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; Prescribe duties of engineers and wardens.

Second. Prescribe the powers and duties of the mayor and aldermen at such fires, and in cases of alarm; but in no case shall the mayor or any alderman control or direct the chief engineer or his assistants during any fire; Of mayor and aldermen.

Third. Provide for the removal and keeping away from such fires all idle, disorderly or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens, or officers of the city; For keeping away suspicious persons.

Fourth. Provide for compelling persons to bring their fire buckets to any place of fire, and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying For compelling persons to bring buckets.

water, and by all proper means to aid in the preservation, removal and securing of property exposed to danger by fire;

For compelling marshal, etc., to be present at fires.

Fifth. To compel the marshal, constables and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

Power of officers to arrest persons refusing to assist.

Sec. 13. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally any constable, watchman, or any citizen to arrest such person and confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly.

Proceedings at any fire.

Sec. 14. Whenever any building in said city shall be on fire, it shall be the duty and be lawful for the chief engineer, with the consent of the mayor or any alderman, or any two aldermen, to order and direct such building, or any other building which they may deem hazardous, and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed; and no action shall be maintained against any person or against the said city therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of three months, if any such application shall have been made in writing, the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damages, and shall provide for the appraisal, assessment, collection and payment of the same in the same manner as is provided by this act for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Council to settle damages to buildings pulled down.

Sec. 15. The commissioners appointed to appraise and assess ^{Commissioners to assess} the damages incurred by the said claimant by the pulling down ^{damages.} or destruction of said building by the direction of the said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant. Whenever a report shall be made and finally confirmed, in the said proceedings for appraising and assessing the damages, a compliance with the terms thereof by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

TITLE VIII.

OF COURTS OF JUSTICE.

Sec. 1. The justices of the peace of said city shall file their ^{Justices of the peace to} oaths of office in the office of the clerk of the county of Ing- ^{file oath.} ham, and shall have, in addition to the jurisdiction conferred ^{Powers and duties of.} by this act on them, the same jurisdiction, powers and duties conferred on justices of the peace in townships, and shall have such jurisdiction to hear, try, and determine all actions arising within said city for the recovery of the possession of lands under the provisions of chapter one hundred and fifty of the compiled laws, and the acts amendatory thereto, as is conferred upon justices of the peace of townships to hear, try, and determine cases arising within townships under said chapter of the compiled laws, and the said amendatory acts.

Sec. 2. In addition to the security now required by law to ^{To give bond.} be given by justices of the peace, each of the justices of the peace shall, before entering upon the duties of his office, execute a bond to the city of Lansing, with one or more sufficient sureties, to be approved by the mayor of said city, which approval shall be endorsed on said bond, in the penalty of one thousand dollars, conditioned for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected and make his report as in this act required.

To attend all
complaints.

Fees of.

To pay all
fines into
city treasury

To make
report to
council.

To make re-
port of stolen
property,
etc.

Proviso.

Sec. 3. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them, and they shall receive for their services when engaged in cases for the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

Sec. 4. All fines, penalties or forfeitures, recovered before any of said justices, for violation of any city ordinance, shall, when collected, be paid into the city treasury; and each of said justices shall report on oath to the common council, at the first regular meeting thereof in each month, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for and on account thereof, which moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture, shall be paid into said city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office; and for any neglect in this particular, he may be suspended or removed, as hereinafter provided.

Sec. 5. It shall be the duty of each justice of the peace, at the first regular meeting of the common council, in each of the months of August, November, February and May, in every year, to account on oath before the common council, for all such moneys, goods, wares and merchandise seized as stolen property, as shall then remain unclaimed in the offices of either of said justices of the peace, and immediately thereafter to give notice for four weeks in one of the public newspapers printed in said city, to all persons interested or claiming such property: *Provided always*, That if any goods, wares, merchandise or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unclaimed in the offices of either of said justices, it shall be lawful for such justice to sell the same at public auction, at such time, and after

such notice as to him and the said common council shall seem proper.

Sec. 6. It shall be the duty of each of the justices of the peace aforesaid, who may recover or obtain possession of any stolen property, on his receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof, on his paying all necessary and reasonable expenses which may have been incurred in the recovering, preservation or sustenance of such property, and the expenses of advertising the same, unless the attorney of the city, or the prosecuting attorney for the county of Ingham shall otherwise direct.

To deliver property on proof, to owners.

Sec. 7. It shall be the duty of each of the justices of the peace aforesaid, to cause all property unclaimed after the expiration of the notice specified in the last preceding section but one of this act, money excepted, to be sold at public auction to the highest bidder, unless the prosecuting attorney of the county of Ingham shall direct that it shall remain unsold for a longer period, to be used as evidence in the administration of justice, and the proceeds thereof forthwith to pay to the treasurer of the said city, together with all money, if any, which shall remain in his hands after such notice as aforesaid, first deducting the charges of said notice of sale.

To sell unclaimed property at auction.

Sec. 8. The constables of said city shall have and receive the same fees, and have the like powers and authority in matters of civil and criminal nature, as is conferred by law upon constables in the several towns of this State, and shall give like security.

Fees of constables.

Sec. 9. The city constables shall obey the orders of the mayor and aldermen, or of any person legally exercising the criminal jurisdiction of a justice of the peace in said city, in enforcing the laws of the State or the ordinances of said city; and in case of a refusal or neglect so to do, he or they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

To obey orders of mayor and aldermen.

Justices to
hear and
determine
offenses.

Sec. 10. The justices of the peace of said city shall have full power and authority, and it is hereby made the duty of any such justice, upon complaint to him in writing, on oath, to inquire into and hear, try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by said by-laws or ordinances shall be prescribed or directed; to award all process, take recognizances for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion may require: *Provided*, That any person making said complaint (except city officers) shall give security for costs in the same manner as is required in criminal cases, under the general laws of this State, which security shall have the same force and effect, and judgment shall be rendered against said complainant and surety, and execution issued thereon, when the justice shall be satisfied that there was not reasonable cause for making said complaint.

Proviso.

To issue
warrant
for arrest of
offenders.

Sec. 11. Whenever any person shall be charged with having violated any ordinance of the common council by which the offender is liable to imprisonment, any of the justices of peace of said city to whom complaint shall be made in writing, and on oath, shall issue a warrant, directed to the marshal of the city of Lansing, or to the sheriff or any constable of the county of Ingham, commanding him forthwith to bring the body of such person before him, to be dealt with according to law; and the marshal or other officer to whom said warrant shall be delivered for service is hereby required to execute the same, in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Marshal to
execute
warrant.

City peniten-
tiary; coun-
cil authoriz'd
to provide.

Sec. 12. The common council of said city shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, where all persons charged with, or convicted of, offenses or misdemeanors against the charter by-

laws or ordinances of said city, may be confined or imprisoned, until discharged by authority of law; and the said common council shall appoint all officers necessary for said penitentiary, prescribe their powers and duties, regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances or orders concerning the good government and regulation of said penitentiary, and for the punishment of such prisoners as may refuse to work therein, as they may deem necessary and proper.

Sec. 13. Any person arrested by virtue of any process issuing Who to be confined therein. from any court of justice in said city, or by authority of any officer of said city, may be confined in said penitentiary, in the same manner as prisoners are, or may be detained in the jail of Ingham county; and any law of this State prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners in a county jail, shall apply to said prison: *Provided*, That the common council or the mayor or Provide. recorder of said city may at any time direct any or all such prisoners to be removed from said penitentiary to the jail of the county of Ingham: *And provided also*, Such prisoners, or Idid. any of them, may at any time, in the first instance, be confined in the said county jail whenever the same may be deemed necessary by said common council; and the keeper of said jail or penitentiary shall be allowed such compensation for keeping and providing for prisoners confined therein as the common council may determine to be just and reasonable, not exceeding the amount allowed by the supervisors of Ingham county for county prisoners.

Sec. 14. The justices of the peace in the said city exercising civil jurisdiction shall be deemed justices of the peace of the City justices to be deem'd county justices. county of Ingham, and shall be subject to the general laws of the State in relation to civil cases before justices of the peace, and appeals from their judgment may be made to the circuit court for the county of Ingham, in the same manner as appeals from justices' judgments in towns are made, except as herein otherwise provided.

Powers of,
in criminal
matters.

Sec. 15. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters, and shall have all the authority, and perform all the duties hereinbefore provided and required of them, and shall hold a court daily if necessary.

How suits
shall be
brought.

Sec. 16. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council, shall be brought in the name of the city of Lansing, under the direction of the common council, or of the attorney of said city; and no person, being an inhabitant, free-man, or freeholder of the said city shall be disqualified for that cause from acting as a judge, justice or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this provision of this act, or for the violation of any ordinance of the common council, nor from serving any process, or summoning a jury in such suit, or from acting in any such capacity, or being a witness on the trial of any issue, or upon the taking or making any inquisition or assessment, or any judicial investigation of facts, to which issue, inquest or investigation the said city or any city or ward officer is a party, or in which said city or officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on an appeal in any matter originating in said city, because he is an inhabitant thereof. If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court for the county of Ingham in the same manner and with same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said city.

Right of
appeal.

When any
execution
may be
issued.

Sec. 17. Every execution for any penalty or forfeiture recovered for the violation of any of the provisions of this act, or for the violation of any by-law or ordinance of the said city, may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to

commit the defendant to the county jail or city penitentiary, for such time as shall have been directed by the ordinance of the common council.

Sec. 18. The common council may direct any moneys that may have been recovered for penalties or forfeitures, to be applied to the payment of any extra expenses that may have been incurred in apprehending offenders, or in subpoenaing or defraying the expenses of witnesses in any suit for such penalties or forfeitures, or in conducting such suits.

Sec. 19. The expenses of apprehending, examining and committing offenders against any law of this State, in the said city, and of their confinement, shall be audited, allowed, and paid by the supervisors of the county of Ingham, in the same manner as if such expenses had been incurred in any town of the said county.

TITLE IX.

OF PUBLIC HEALTH.

Sec. 1. It shall be the duty of the common council of said city, to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and a competent physician to be the health officer thereof.

Sec. 2. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected with such a disease; to establish, maintain, and regulate a pest-house or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city, infected with any such disease, to be removed to

To destroy
infected
furniture.

To abate all
nuisances.

Drivers and
conductors
to report
cases of
sickness.

Bringing
in infected
property
deemed an
offense.

Inn-keepers
to report
cases of
sickness.

such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be, or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Sec. 3. The owner, driver, conductor, or person in charge of any stage-coach, railroad car, or other public conveyance, which shall enter the city, having on board any person sick of a malignant fever or pestilential or infectious disease, shall, within two hours after the arrival of such person, report in writing, the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor, or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine and imprisonment.

Sec. 4. Any person who shall knowingly bring, or procure, or cause to be brought into the city any property of any kind, tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of misdemeanor, punishable by fine and imprisonment.

Sec. 5. Every keeper of an inn or boarding house, or lodging house in the city, who shall have in his house at any time any sick traveler, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor or some

officer or member of the board of health; every physician in the city shall report under his hand to one of the officers above named, the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A ^{Fine for violation of law.} violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine and imprisonment, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Sec. 6. Whenever, in the opinion of the common council, ^{Power of council to order dangerous buildings remov'd} any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same or any part thereof, within a reasonable time to be fixed by the order, or immediately, as the case may require, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

Sec. 7. The said board of health shall have power to appoint ^{Clerk of board of health; duties of.} a clerk, whose duty it shall be to attend the meetings thereof, and keep a record of its proceedings, and such record, or a duly certified copy of the same or any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of ^{Compensation} said board of health, shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Sec. 8. The members of said board of health shall receive ^{Fees of members of board.} such compensation for their services as the common council

shall deem reasonable, to be paid from the general contingent fund of said city.

Fines to be paid into city treasury Sec. 9. All fines imposed under this title shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

TITLE X.

OF PUBLIC SCHOOLS.

Board of education. Body corporate and politic. Sec. 1. The city of Lansing shall constitute one school district. The members of the board of education shall be a body corporate, by the name and style of "The board of education of the city of Lansing," and by that name may be sued, and shall be subject to the laws of this State relative to corporations, that may be applicable thereto. They shall hold and control all moneys, real and personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the common school or schools within said city.

When shall meet. Sec. 2. The board of education shall meet, from time to time, at such place in said city as they may designate. A majority of all the members shall constitute a quorum. They may elect from their number a president, clerk, and treasurer. The said board shall keep a record of their proceedings, which shall be signed by the president and clerk; and any proceedings of said board, certified by the president and clerk, shall be evidence of the facts therein contained. The justices of the peace shall have jurisdiction over all prosecutions for the violation of the by-laws and ordinances passed by said board.

Duties of board, relative to— Sec. 3. The board of education shall have full power and authority, and it shall be their duty:

Sites for sch'l houses. *First.* To purchase sites and build school-houses in said city, except as hereinafter provided;

High school. *Second.* To establish a high school in said city;

Third. To appoint a superintendent of the common schools in said city, under the charge of said board, with such compensation as they shall deem proper, and with such powers and duties as they shall prescribe; and it shall be his duty to act as clerk of said board if required; Appoint superintendent

Fourth. To establish a school library in said city, and designate the place or places where the same shall be kept, and to appoint a librarian, who shall not be entitled to any compensation for services as such librarian; Establish library.

Fifth. To apply for and receive from the county or city treasurer, or other officers, all moneys appropriated, or belonging to the primary school funds of said city, or for library purposes, and to expend the same according to law; Receive moneys.

Sixth. To make by-laws and ordinances for taking the census of the children of said city; for making reports and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city; for visitation of schools and the length of time schools shall be taught, (which shall not be less than nine school months in each year;) for the employment and examination of teachers, and their powers and duties; for the regulation of schools and the books to be used therein; for the appointment of necessary officers and to prescribe their powers and duties; for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of the public schools. Take census of children. Pass by-laws relative to teachers, etc.

Sec. 4. The treasurer of said city shall collect the money and keep all school funds belonging to said city separate from all other funds, and he shall pay over to the treasurer of said board all moneys on the order of said board; he shall report to the board the condition of the school fund whenever requested by them. Treasurer to receive all school funds

Sec. 5. The board of education of said city are hereby authorized, and it shall be their duty, once in each year, to ascertain and determine, by resolution passed at any regular meeting of said board, by a vote of a majority of all the members, Board to determine amount of money needed for—

the sums necessary and proper for any or all the following purposes:

Repairing
sch'l-houses

First. To lease, enlarge, alter, improve and repair school-houses, and their out-houses and appurtenances;

Purchasing
school appa-
ratus.

Second. To purchase, exchange, improve and repair school apparatus, books, furniture and appendages;

Procuring
fuel.

Third. To procure fuel, and defray the contingent expenses of the schools, and the expenses of the school library of said city, and the necessary contingent expenses of said board;

Purchasing
books.

Fourth. To purchase books for the school library of said city, to an amount not exceeding one hundred dollars in any one year;

Teachers'
wages.

Fifth. To pay teachers' wages after the application of public moneys which may by law be appropriated and provided for that purpose; and the amount so determined by said board shall be submitted by them to the voters of said district at the annual school meeting, or at a meeting regularly called for that purpose; and the voters at such meeting shall determine, by a majority of the voters present, whether said sum, or any part thereof, shall be raised on the taxable property of said district; and the clerk of said board of education shall certify to the city assessor, whose duty it shall be to assess the ordinary city taxes, the sums so ascertained and determined by said meeting; and the said city assessor, whose duty it shall be to assess the ordinary city taxes, shall levy the sums so certified to them upon the taxable property of said city, in the same manner as other taxes are levied.

How money
shall be
raised.

Duties of
treasurer of
board.

Sec. 6. The treasurer of said board shall have charge of all moneys or funds belonging to the board, and he shall pay them out only upon the order of said board, signed by the president and countersigned by the clerk thereof. Said treasurer shall give bonds, with good and sufficient sureties, for at least double the amount of moneys intrusted to his hands, for the faithful discharge of his duties.

Sec. 7. Whenever the said board shall from time to time de- Taxes to be assessed for building sch'l-houses, etc.
 termine by resolution what sum or sums of money may be nec-
 essary to erect school buildings, or a school building on block
 eighty-one of said city, or other buildings used for school pur-
 poses in said city, said sum, or such part thereof as they may
 deem necessary, shall be assessed and levied on the real and
 personal property of said city, for such building purposes, to
 be collected as other school moneys and applied by said board
 for building as aforesaid: *Provided*, Said resolution shall have Proviso.
 been first approved by said school district, to be determined by
 a majority of the votes cast in said district, at a regular city
 election, or at a school meeting of said district called by said
 board for that purpose, said meeting to be called in the same
 manner as is provided by law for school districts in this State.

Sec. 8. In case of a vacancy in the office of a member of said Vacancies in board; how filled.
 board, the same shall be filled by appointment by a majority of
 said board, of a person from the ward in which such vacancy
 exists, which appointment shall be until the next annual elec-
 tion, and until his successor is elected and qualified.

Sec. 9. All provisions of the general laws of this State, General laws to remain in force.
 relative to common and union schools, shall apply and be in
 force in said city, except such as may be inconsistent with the
 provisions of this act, or with the by-laws and ordinances of
 the board of education, made under this act.

Sec. 10. No member of the board of education shall be di- Members of board not to become surety or be interested in any contract
 rectly or indirectly interested in any contract as principal,
 surety or otherwise, the expenses or consideration whereof are
 to be paid under any act or ordinance of said board of educa-
 tion, nor be surety or bondsman on any contract or bond given
 to said city or board of education.

TITLE XL

MISCELLANEOUS PROVISIONS.

Sec. 1. The common council, or the mayor or other officer Examination of sureties.
 whose duty it shall be to judge of the sufficiency of the pro-
 posed sureties of any officer of whom a bond or instrument in

Deposition
of surety to
be put in
writing.

writing may be required, under the provisions of this act, shall examine into the sufficiency of such sureties, and shall require them to submit to an examination, under oath, as to their property; such oath may be administered by the mayor or any alderman of said city. The deposition of the surety shall be reduced to writing, be signed by him, certified by the person taking the same, and annexed to and filed with the bond or instrument in writing to which it relates.

Oaths; who
may admin-
ister.

Sec. 2. The mayor, or chairman of any committee or special committee of the common council, shall have power to administer an oath, or take an affidavit in respect to any matter pending before the common council or such committee.

What
deemed
perjury.

Sec. 3. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

Officers win-
ning suits,
to obtain
double costs.

Sec. 4. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

How process
shall run.

Sec. 5. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city, at least ten days before the day of appearance mentioned therein.

Acts
repealed.

Sec. 6. All acts and parts of acts relating to the incorporation of the city of Lansing, or to the revision or amendment of the charter of said city, not expressly embodied in or made a part of this act, are hereby repealed; but nothing in this act contained shall be construed to destroy, impair, or take away any rights or remedy acquired or given by any act hereby repealed;

and all proceedings commenced under such former acts shall be carried out and completed, and all prosecutions for any offense committed, or penalty or forfeiture incurred, shall be enforced, in the same manner, in all respects, with the same effect as if this act had not been passed; and all by-laws or resolutions of said city, not inconsistent with the provisions of this act, shall continue and be in force until the same are canceled or repealed, as fully as though this act had not been enacted; and all officers now holding office in said city, shall hold the same for the time for which they were elected; and the spring election of A. D. eighteen hundred and sixty-nine shall not be deemed invalid in consequence of the notice of such election not having been given the length of time required in section one, of title two of this act: *Provided*, That nothing in this act shall be construed to repeal or in any manner interfere with the provisions of an act entitled "An act to authorize the assessment and collection of a tax to defray the expense of grading Cedar street, in the city of Lansing," approved March twenty-fourth, eighteen hundred and sixty-nine.

Prior rights
to remain in
force.

Election
declared
legal.

Provide.

Sec. 7. This act shall take immediate effect.

Approved April 3, 1869.

[No. 428.]

AN ACT to reincorporate the village of Benton Harbor.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

SECTION 1. *The People of the State of Michigan enact*, That all of that certain tract of land situate in the county of Berrien, and State of Michigan, being in township number four south, of range number eighteen and number nineteen west, and described as follows, to wit: Beginning half a mile east of the quarter-post on the west side of section number nineteen, running thence north parallel with line half a mile east

Boundaries.

Ibid.

of the west lines of sections number eighteen and nineteen to the east and west quarter line of section eighteen, thence west half a mile to the quarter post in the Paw Paw river, thence north on the section line thirty chains, thence west twenty chains, thence south thirty chains, thence west twenty chains to the center of section thirteen, thence south one mile to the center of section twenty-four, thence east one mile to the place of beginning, shall be known and designated as the village of Benton Harbor.

Body corporate and political.

Sec. 2. The inhabitants, residents within the boundaries aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "The village of Benton Harbor," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal, and alter the same at pleasure; and shall also have power to purchase, hold and convey such real and personal estate as the purposes of the corporation may require.

ARTICLE II.

OF THE OFFICERS OF SAID VILLAGE.

Officers.

Sec. 1. The officers of said village shall be a president, six trustees, one clerk, one marshal, who shall also be collector of taxes and assessments, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided, as may be necessary to carry out the provisions of this act.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

First election.

Sec. 1. The inhabitants of said village, having the qualification of electors under the constitution of this State, shall meet at American Hall, in said village, on the second Monday of April, A. D. eighteen hundred sixty-nine, and there proceed to elect one president, one clerk, one marshal, one treasurer, one

assessor and three trustees, who shall severally hold their office for one year; also three trustees, who shall severally hold their office for two years; and the inspectors of such election shall certify thereto accordingly, immediately after the canvass shall be finished.

Sec. 2. At every election after the first, there shall be elected ^{Future elections.} one president, one clerk, one marshal, one treasurer, and one assessor, who shall severally hold their office for one year, and three trustees, who shall severally hold their office for two years.

Sec. 3. The term of office of all officers shall commence im- ^{Terms of office.} mediately after their election and qualification, and continue until the election and qualification of their successors.

Sec. 4. Elections for officers shall be held on the first Monday ^{Annual elections; when held.} of March, in each year, (after the first,) at such places as shall be designated by the board of trustees, except as provided for at the first election.

Sec. 5. If an election of the officers of said village shall not ^{Failure to hold election not to dissolve corporation.} be held on the day when, pursuant to this act it should be held, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice being given, as prescribed by this act for the holding of the regular election.

Sec. 6. The officers in office in said village at the time of ^{Time present officers shall continue in office.} the passage of this act, shall continue to exercise the duties of their office until others are elected and qualified, under the provisions of this act.

ARTICLE IV.

OF THE QUALIFICATIONS OF OFFICERS.

Sec. 1. The officers of said village, elected in pursuance of ^{Officers to be voters.} the provisions of this act, or appointed as hereinafter provided, shall be residents and legal voters of said village.

Sec. 2. The president, and every other officer elected or ap- ^{Oaths of officers.} pointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or

affirmation, to be administered by the clerk of said village, or by any other officer authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the clerk of said village.

Treasurer
and other
officers to
give bonds.

Sec. 3. The treasurer, marshal, and such other officers as the board of trustees may require so to do, shall each respectively and severally, before they enter upon the duties of their office, execute a bond to the village of Benton Harbor, in such sums and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their office, and honestly and faithfully account for and pay over all moneys received by them, by virtue of said office, which bond, with the approval of the board of trustees endorsed thereon, certified by the clerk, shall be delivered to and filed with the clerk of said village.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

President;
powers and
duties of.

Sec. 1. The president shall be *ex officio* a member of the board of trustees, and have the power and be subject to the like duties and responsibilities of a trustee.

To attend
meetings.

Sec. 2. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or it shall be demanded, in writing, for any specific purpose, by three of the trustees, or twenty electors of said village.

To preside
at elections.

Sec. 3. The president shall preside at all elections held under and by virtue of this act.

To see that
by-laws are
enforced.

Sec. 4. The president shall see that all the by-laws, rules, regulations and ordinances of said village are faithfully enforced, and prosecute, in the name of the village of Benton Harbor, all offenders against the same, and for all penalties and forfeitures incurred under the provisions of this act, or

under any of the by-laws, rules, regulations or ordinances passed by virtue thereof.

Sec. 5. He shall receive and lay before the board of trustees, the official reports of all officers who may be required to make such reports, and in connection therewith, suggest the passage of such measures as in his judgment the necessities of the village may require. To lay reports before trustees.

Sec. 6. He shall appoint, by and with the consent of the trustees, two or more fire wardens, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act: *Provided*, To appoint fire-wardens. Provide. That no officer so appointed, shall hold his office for a longer term than during the official term of the president so appointing him.

Sec. 7. The president shall inspect and have the supervising and control of the public property belonging to said village, and see that the same is properly cared for and kept in order. To have control of public property.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

Sec. 1 The board of trustees shall have the control and management of all the finances, and of all the real and personal property belonging to the corporation, and shall examine and settle all accounts chargeable against the village. Trustees to have control of finances.

Sec. 2. The board of trustees shall have full power within said village: To pass laws relative to—

First. To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act. Duties of officers.

Second. To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty. Official bonds.

- Public property.** *Third.* To provide for the care, custody and preservation of the public property of said village.
- Village officers.** *Fourth.* To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them.
- Fire engines.** *Fifth.* To purchase and keep in order, fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department and define their duties, and prescribe penalties for their delinquencies.
- Fire limits.** *Sixth.* To establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portions of the village as they shall deem best, to provide one or more fire buckets and to regulate the keeping of the same.
- Hazardous buildings.**
- Vice and immorality.** *Seventh.* To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain and close up all disorderly houses, houses of ill-fame or licentiousness, gambling tables, or any other device or instrument for gaming, and to punish the keepers of the same, when so kept in violation of any by-law, rule, regulation or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors and drunkards to be apprehended and punished.
- Disorderly houses.**
- Liquors.** *Eighth.* To prevent the selling or giving away of spirituous or fermented liquors.
- Shows.** *Ninth.* To license and regulate theatres, shows, traveling concerts, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawnbrokers, or prohibit them from soliciting patronage of the community within the limits of said village.

Tenth. To prevent and punish immoderate riding or driving in Fast driving the streets, and to provide penalties for leaving teams in the streets unfastened.

Eleventh. To prevent and remove nuisances, and to punish Nuisances. persons for committing the same.

Twelfth. To compel the owners or occupants of lots to clean Obstructions on walks. the sidewalks in front of and adjacent thereto, of snow, ice, dirt, and every incumbrance or obstruction.

Thirteenth. To regulate the storage of powder, naphtha, nitro- Powder. glycerine, combustible oils, lumber and other combustible material.

Fourteenth. To prevent the use of fire-arms, slung shots, metal Fire-arms. knuckles and other weapons.

Fifteenth. To regulate markets for the sale of poultry, meat, Markets. vegetables, fruit, fish, hay, wood, lime and lumber.

Sixteenth. To restrain horses, cattle, sheep, swine, mules and Pounds. other animals, geese and other fowls, from going at large in the streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation or ordinance of said village, and to make all needful rules and regulations for the effective use of the same.

Seventeenth. To prevent the running at large of dogs, to require Dogs. them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village.

Eighteenth. To erect lamps and cause the public grounds and Lamps. such of the streets of said village as they shall deem proper, to be lighted, at such times as, in their judgment, the wants and interests of the village may require.

Nineteenth. To establish lines and grades upon which buildings Building lines. may be erected, and beyond which such buildings shall not extend.

Twentieth. To prevent the erection and provide for the removal Unsafe buildings. of all buildings deemed unsafe.

Shade trees. *Twenty-first.* To regulate the placing and provide for the preservation of horse-posts and shade trees.

Billiard tables. *Twenty-second.* To suppress all billiard tables, or other tables kept for hire, gain or reward.

Trustees to be commissioners of streets. Sec. 3. The board of trustees shall be the commissioners of highways within the limits of said village, and as such may exercise all the powers that now are granted to commissioners of streets and highways in the several townships of this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more overseers of streets and highways, as they shall deem best.

To order grading of any street. Sec. 4. The board of trustees shall, upon the petition, in writing, of a majority of the property owners along the line of any proposed work, praying for the same, direct the building of sewers along the line of, or order and superintend the grading of any street, highway, alley or lane in said village, and assess the cost and expenses thereof upon the lots lying on either side of and adjoining the said work, in the proportion that the frontage of each lot shall bear to the whole frontage of all the lots upon which the cost of said work is to be assessed; they shall also have full power and authority to provide for making, constructing and repairing all sidewalks and cross-walks in said village, docking lots bordering on the Benton harbor canal, and for paying the costs and expenses of the same by assessment on the owners or occupants of the lots, lands and premises in front of which sidewalks and docks may be directed to be made, constructed or repaired: *Provided*, That all assessments for cross-walks shall be made upon the premises in the block adjacent to said cross-walks, from the corner to the center of the front and side of said block.

May take private property. Sec. 5. The board of trustees may take the land of any individual for the purpose of constructing, widening or extending any highway, street, alley, lane, canal, ditch, drain or sewer, but not until such individual shall be paid therefor, as provided for in article nineteen of this act.

Sec. 6. The board of trustees may at any time during the year, exercise the power of ordering fences to be removed, or of opening, discontinuing, widening and extending any highway, street, alley, or lane within said village. May order fences removed.

Sec. 7. And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish and publish, modify, amend and repeal by-laws, rules, regulations and ordinances, and to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding fifty dollars, or imprisonment in the county jail not to exceed thirty days, or both, for any one offense, except as herein otherwise provided, and to enforce the same against any person guilty of such violation, in any court having jurisdiction of such cases; but all such by-laws, rules, regulations and ordinances shall be published at least for two successive weeks before the same shall be considered as of force, or binding upon the inhabitants of said village. May pass by-laws. Prescribe penalties.

ARTICLE VII.

OF THE CLERK OF SAID VILLAGE.

Sec. 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve and keep all books and papers belonging to said corporation and appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws, ordinances, rules, regulations and notices, as the board of trustees shall direct. Clerk to keep books and papers.

Sec. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office, within five days thereafter. To keep poll-list.

Sec. 4. The clerk shall give at least five days' notice of the time and place of holding elections under this act. To give notice of election.

Sec. 5. The books and papers in the office of said clerk shall at all times, on demand, be produced for inspection to all electors and taxable inhabitants of said village; and upon demand To keep books open for inspection.

Fees of. and tender of fees at the rate of ten cents per folio thereof, he shall make and furnish a certified copy or transcript of any paper or record filed or kept by him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced.

Clerk pro tem. Sec. 6. In case of the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duty upon such occasions shall be performed by such persons as the board of trustees shall for the time designate.

ARTICLE VIII.

OF THE MARSHAL OF SAID VILLAGE.

Marshal to have supervision of village. Sec. 1. The marshal shall have the general supervision of the village, and see that all by-laws, rules, regulations and ordinances passed by the board of trustees of said village, according to the provisions of this act, are enforced.

To be chief of police. Sec. 2. He shall be *ex officio* constable and chief of police, with powers belonging to constables of any township of this State, having power to enter into any disorderly or gaming house, or dwelling house, or other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace may be, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in disorderly assemblages, and take them before any justice of the peace of the township of Benton, who shall hear, try and determine the matter: *Provided*, That nothing in this act shall be construed into his serving process in civil cases.

To enter disorderly houses.

Proviso.

To compel aid at fires. Sec. 3. He shall have the power to compel the citizens to aid in extinguishing fires.

To be collector of taxes. Sec. 4. The marshal shall be the collector of taxes in said village, and shall have full power to collect the same as provided for in article thirteen of this act.

Sec. 5. The marshal shall at all times be subject to the su- To be subject
to control of
president
and trustees.
pervision and control of the president and trustees, and shall,
whenever directed by the board of trustees, make complaint in
writing and on oath, before any justice of the peace for the
township of Benton, for any violation of the by-laws, regula-
tions or ordinances of said village passed by virtue of the pro-
visions of this act, whenever the violation complained of shall
have been done in view of said marshal.

Sec. 6. He shall report in writing to the board of trustees To report to
trustees.
from time to time, as he may be required by resolution of the
board of trustees, of all his actions and doings by virtue of his
office, which report shall be filed with the clerk of the village.

Sec. 7. The marshal may be removed from office (but only on When may
be removed
from office.
a two-thirds vote of the board of trustees) for any refusal or
neglect to comply with any lawful order or direction of the
board of trustees, or for gross neglect in the discharge of of-
ficial duties, but the cause of such removal shall in all cases be
spread at large upon the records of the village.

ARTICLE IX.

OF THE TREASURER OF SAID VILLAGE.

Sec. 1. The treasurer shall receive all moneys belonging to Treasurer to
receive all
moneys.
said corporation, and disburse the same under the direction of
the board of trustees.

Sec. 2. He shall make and keep a correct record and account To keep acc't
of receipts
and disburse-
ments.
of all such receipts and disbursements, and at the last regular
meeting of the board of trustees, prior to the annual election,
and at any other time when called upon by a resolution of the
board of trustees so to do, shall present to said board a report
in writing, of all items of receipts and disbursements, with a
statement of the debts, dues and demands of said corporation.

Sec. 3. The treasurer shall not pay any money on account of When shall
pay out
money.
said village, except upon a resolution of the board of trustees,
and on an order signed by the president and countersigned by
the clerk.

May sell and
convey lands

Sec. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article sixteen of this act.

ARTICLE X.

OF THE ASSESSOR OF SAID VILLAGE.

Assessor.

Sec. 1. The assessor shall possess the powers and discharge the duties prescribed in articles fourteen and fifteen of this act, and to perform such other services as are provided for in said article.

ARTICLE XI.

OF VACANCIES IN OFFICE.

Vacancies;
how filled.

Sec. 1. A vacancy in the office of any of the officers of said village (except president) shall be filled on the appointment of the president, ratified by the board of trustees; and the said board of trustees shall, at their first regular meeting after each annual election, elect from their number a president *pro tempore*, who shall, in the absence of the president, discharge all of the duties, be subject to the like responsibilities, and exercise the same powers herein provided for in the office of president.

ARTICLE XII.

OF THE COMPENSATION OF OFFICERS.

Fees of
officers.

Sec. 1. The president and trustees shall not receive any compensation for attendance at the regular meetings of the board of trustees.

Sec. 2. The officers of said village (except as provided in section one of this article) shall receive such compensation as the board of trustees shall, by resolution, direct.

ARTICLE XIII.

OF THE LIMIT OF TAXATION.

Sec. 1. The board of trustees shall have power to raise by ^{Limit of} general tax, (but not including highway and poll tax, otherwise provided for in sections two and three of this article,) upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one-half of one per cent. upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act. ^{taxes.}

Sec. 2. The board of trustees shall have power to levy a high- ^{Highway} way tax upon the real and personal property liable to taxation in said village, not exceeding in any one year the sum of one-half of one per cent. upon the assessed value of such property, to be expended exclusively upon highways, streets, alleys and lanes of said village, as the board of trustees shall direct. ^{tax.}

Sec. 3. The board of trustees shall have power to levy and ^{Poll tax;} cause to be collected, in each and every year, a poll tax of one ^{who to pay.} dollar upon every male inhabitant of said village of the age of twenty-one years and upward, and not exceeding the age of sixty years, except paupers, idiots, lunatics, and others excepted by the laws of this State, and in article twenty-five of this act; and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Sec. 4. No other highway tax shall be levied and collected in ^{Limit of} said village, excepting those mentioned in sections two and ^{highway} three of this article; and the tax specified in said sections shall ^{tax.} be included in and be subjected to the same proceedings as by this act are required to be had upon the general tax.

Sec. 5. The board of trustees may cause to be raised such ^{Special tax.} further sum as they may deem necessary, not exceeding the sum of two per cent. upon the assessed value of property in said village, by special tax: *Provided*, That the consent of the ^{Proviso.} majority of the taxable inhabitants of said village authorized

to vote, who are present and voting at an annual, or special meeting called for that purpose, first be obtained.

Notice of
meeting to
vote extra
tax.

Sec. 6. Before any tax for such further sum can be voted for at any meeting, a notice must be published by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in the village newspapers, if there shall be any published in said village, and by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Ballots;
contents of.

Sec. 7. The vote on any special tax shall be by ballot, which shall have written or printed on the inside, the words "for the tax," or, "against the tax," and be deposited in a separate box, to be labeled "village tax;" and all other proceedings had therein shall be the same as provided for in this act for holding elections.

Proceedings
for assess-
ing, etc.

Sec. 8. The proceedings for the assessing, apportioning, reviewing, and collecting such tax so voted, shall be the same as those prescribed in this act for the raising of a general tax.

ARTICLE XIV.

OF THE ASSESSMENT OF TAXES.

Assessment
roll.

Sec. 1. The assessor of said village shall once in each year, on or before the second Monday in May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll tax in said village, and shall set down in such roll the valuation of such property at its fair cash value, placing the value of real and personal property in separate columns.

Notice of
time for
reviewing.

Sec. 2. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice by posting in at least six public

places in said village, that on a certain day, and at a certain place in said village therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Sec. 3. The assessor, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment; and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll, as shall appear to him to be just and proper.

Corrections
in; when
made.
may be

Sec. 4. Immediately after the expiration of ten days, and review of the assessment roll as aforesaid, the assessor shall certify the said roll, under his hand, to the board of trustees of said village.

When shall
be certified
to trustees.

Sec. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special, and highway taxes to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section four, of article six of this act, which said certificate, endorsed on said assessment roll, shall be signed by the president and clerk of said village.

Trustees to
certify back
to assessor.

ARTICLE XV.

OF THE APPORTIONMENT OF TAXES.

Sec. 1. The assessor of said village shall, immediately after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion, and set down, in two separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general, special, and highway tax thereon; also, in a third column, opposite the

Apportion-
ment of
taxes.

particular description of individual lots, he shall set down the sums severally assessed on said lots, as an assessment for special work done under section four, of article six of this act, to be paid by the owner or owners or parties interested in such real and personal estate; and shall also set down in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll tax in said village.

Assessor to deliver roll to marshal with orders to collect.

Sec. 2. Immediately after apportioning the tax as provided for in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein opposite their respective names, as a tax or assessment, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, to the treasurer of said village, by a certain day therein named, not more than forty days from the date of said warrant.

Warrant renewed.

Sec. 3. The assessor may renew said warrant from time to time, by direction of the board of trustees.

Basis of special tax.

Sec. 4. Whenever any special tax shall be voted to be raised as provided for in article thirteen of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate as set down in the annual assessment roll.

ARTICLE XVI.

OF THE COLLECTION OF TAXES.

Manner of collecting taxes.

Sec. 1. The marshal of said village shall, immediately after receiving the assessment roll with the warrant of the assessor thereunto annexed, as provided for in section three of the

preceding article, proceed to collect the taxes as apportioned in said roll, and according to the provisions of said warrant.

Sec. 2. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed as aforesaid, the marshal shall proceed to levy the same by distress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels so distressed shall be sold for more than the amount of the tax or assessment, with the charges of sale and distress thereon, the surplus shall be paid on demand to the owner or owners of such goods and chattels.

Power of marshal to sell property

Sec. 3. In case any person upon whom any tax be assessed in said village for personal estate, shall have removed out of said village after the assessment, and before such tax ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county to which such person shall have removed, or in which he shall reside.

When may levy on property of non-residents

Sec. 4. Whenever any tax shall have been, or which may hereafter be assessed on personal property in said village, shall be returned by the marshal for non-payment, under the provisions of this act, it shall be lawful for the marshal of said village to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of such tax.

May sue persons for taxes.

Sec. 5. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of the taxes, or in the renewal of the time thereof by the said assessor, as provided for in section three, of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provis-

Return of unpaid taxes.

ions of this act, shall be and remain a lien upon said real estate, until the same is paid.

Treasurer to
preserve list
of lands.

Sec. 6. The treasurer of said village shall preserve a list of all lands returned to him delinquent for taxes by the marshal, as provided for in the preceding section, and if the same shall remain unpaid, together with interest at the rate of twenty per centum per annum, from the date of the warrant to the marshal, as aforesaid, for the term of one year from the date of the warrant to the marshal, he shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction to the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and cost of sale thereof.

Notice of
sale of delin-
quent lands.

Sec. 7. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice for at least six weeks, by publication in a newspaper published in said village, if any such should be so published, and if not, then by posting up in at least three of the most public places in said village, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes.

Proceedings
on day of
sale.

Sec. 8. The treasurer, on the day mentioned in said notice, shall commence the sale of said lands, and continue the same from day to day until all is sold upon which there are taxes, assessments and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest and costs of sale as aforesaid.

Portion of
description
to be sold.

Sec. 9. In case less than the whole of any description shall be sold for the taxes, assessments, interest and charges thereon, the portion thereof sold shall be taken from the north side of such description.

Certificate of
purchase.

Sec. 10. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the land purchased, and the sum paid therefor, and the time when the purchaser or purchasers will

Conveyance.

be entitled to a deed of the said lands; and unless within one year from the date of such sale, there shall be paid to the

treasurer, for the use of the purchaser or purchasers, his, her, ^{Ibid.} or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of twenty per centum per annum, from the date of such sale, the treasurer shall, at the expiration of one year, execute to the purchaser or purchasers, his, her, or their heirs or assigns, a conveyance of the lands sold, which conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance. ^{When may be used as evidence.}

ARTICLE XVII.

OF THE REGISTRATION OF ELECTORS OF SAID VILLAGE.

Sec. 1. The president, clerk, and one of the three trustees ^{Board of registration.} having the shortest term to serve, shall constitute the village board of registration.

Sec. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged ^{Clerk to provide book for use of} as to conform with the laws of this State relating to the registration in the several townships thereof, to be kept by the said village clerk.

Sec. 3. The clerk of said village shall, at any time, (except ^{To enter names of persons entitled to vote.} as provided for in this act,) on demand, enter, in its alphabetical order, the name of any person entitled to vote in said village, under the provisions of this act, with the date of such registration, and the residence of such person so demanding registration.

Day for
reviewing
list.

Sec. 4. On the last secular day next preceding the day for holding any regular or special election of said village, after the year one thousand eight hundred and sixty-nine, the said board of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village; and after the close of said session, no name shall be registered until after the close of the polls of the election then next ensuing.

ARTICLE XVIII.

OF ELECTIONS.

Election
board.

Sec. 1. The president, clerk, and one of the three trustees whose term of office will first expire, shall constitute the election board.

Oath of
members of.

Sec. 2. The members of said election board shall, before entering upon the discharge of their official duty, take an oath or affirmation, to be administered, one to the other, to faithfully and impartially discharge their duties as judges of election, and said election board shall constitute the board of inspectors of election, within the meaning of this act.

Register of
electors to
be placed in
hands of
board.

Sec. 3. At any election held under and by virtue of the provisions of this act, (except at the first election otherwise provided for,) and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Benton Harbor to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter; and they shall not receive the vote of any person whose name is not written therein.

Sec. 4. At the first election held in said village, under the provisions of this act, the registration book of the township of Benton, of the qualified electors of said village, shall be used with the like force and effect as "the register of the electors of the village of Benton Harbor," provided for in this act.

Township register to be used at first election.

Sec. 5. The registration of electors provided for in this act, shall be used only for elections for village purposes, and shall not be construed to interfere with the registration of electors, or the elections of the township of Benton.

Village register not to interfere with township register.

Sec. 6. The board of registration and election in said village, shall exercise the same powers to preserve the purity of elections as are now, or may hereafter be given by law to boards of registration and election in the several townships in this State, except as modified by the provisions of this act.

Power of registration board.

ARTICLE XIX.

OF PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

Sec. 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in article six, section five of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by personal service, or by written notice posted up in three of the most public places in said village, to the owner or parties interested in said lands, his, her, or their legal representatives, at least three weeks next preceding the meeting of said board of trustees, of the intention of the said board of trustees to take such lands for the purpose aforesaid; and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her, or their legal representatives; and if at the expiration of the time limited as aforesaid, for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Benton to issue a *venire facias*, to

Proceedings when private lands are taken.

Notice to owner.

Trustees to treat with owner.

Summoning of jury.

Jury to
award
damages.

Compensat'n
tendered to
owner.

Right of
appeal.

command the marshal of said village, or any constable of the county of Berrien, to summon and return a jury of twelve disinterested freeholders, residing without the limits of said village, to appear before said justice, at a time therein stated, to inquire into the necessity of using such grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal representatives, which jury being first duly sworn by the said justice, faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her, or their legal representatives therefor, for their respective losses according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or legally tendered, before such land, grounds or premises shall be taken for the use of said village, to the person or persons, his, her, or their legal representatives in whose favor the said judgment shall be rendered; it shall thereupon be lawful for the board of trustees to cause the said land, ground or premises to be occupied and used for the purposes aforesaid.

Sec. 2. The board of trustees, or any party or parties claiming damages as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court for the county of Berrien, upon giving notice of his, her or their intention so to do, to said justice, in writing, within ten days; or, in case of the absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury, and the judgment of said justice as aforesaid; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty

days after the verdict and judgment as aforesaid, in the circuit court for the county of Berrien, the same proceedings shall thereupon be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages in said circuit court shall not exceed the damages assessed before the said justice, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal. ^{Proviso.}

ARTICLE XX.

OF PUBLICATION.

Sec. 1. Whenever publication shall be required by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in the newspaper of said village, if any such shall be published therein, and if not, then by posting up in at least three of the most public places in said village. ^{What deemed publication.}

Sec. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or of the clerk of said village, when publication is made by posting up, as provided for in this act, of notice of tax sale, or passage of any by-law, rule, regulation or ordinances of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication. ^{What considered evidence of.}

ARTICLE XXI.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

Sec. 1. The board of trustees shall, at the expiration of each year, cause to be made out and published, a true statement, in writing, of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, together with the estimated receipts and disbursements for the ensuing year. ^{Annual statement.}

ARTICLE XXII.

OF DEPUTIES.

Deputies. Sec. 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints, exercise the same powers, and be bound by the same responsibilities as the marshal, duly elected under the provisions of this act.

ARTICLE XXIII.

OF MONEYS COLLECTED BY THE MARSHAL.

Marshal to pay over moneys collected to treasurer. Sec. 1. The marshal shall pay all moneys collected by him by virtue of his office, except as herein otherwise provided, within twenty days after receiving the same, to the treasurer of said village.

Treasurer to sign rec'pts. Sec. 2. The treasurer of said village shall give a receipt, in writing, signed by him as such treasurer, to the marshal, or other person paying money to him on account of said village, acknowledging the receipt of the same.

ARTICLE XXIV.

OF HIGHWAYS.

Highways. Sec. 1. The said village shall be exempt from the superintendence and control of the commissioners of highways of the township of Benton.

Highway fund; how kept. Sec. 2. All moneys collected for highway purposes shall be kept a fund separate and apart from the general fund, and no money shall be appropriated or paid from said fund, except for highway purposes.

ARTICLE XXV.

OF PRIVILEGES TO FIREMEN.

Firemen to be exempt from poll tax and jury service. Sec. 1. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the board of trustees, shall be exempt from poll tax, and shall also be excused from serving on jury.

ARTICLE XXVI.

OF THE POWER TO BORROW MONEY.

Sec. 1. The board of trustees of said village shall have power to borrow money for public improvements, on the credit of said village, not exceeding one thousand dollars in any one year. Power to borrow money.

ARTICLE XXVII.

OF THE BERRIEN COUNTY JAIL.

Sec. 1. The corporation shall be allowed the use of the common jail of the county of Berrien for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation or ordinance passed by virtue thereof, and all persons so committed to said jail shall be under the charge of the sheriff as in other cases: *Provided*, The said county of Berrien shall in no manner be chargeable with the cost and expenses of such imprisonment in civil cases. Corporation allowed use of county jail. *Provided*.

ARTICLE XXVIII.

OF THE COMPETENCY OF CITIZENS.

Sec. 1. No person shall be an incompetent judge, witness or juror, in any case in which said corporation is interested, by reason of his being an inhabitant of said village. Citizens to be competent as jurors.

ARTICLE XXIX.

OF FORMER VILLAGE ACTS.

Sec. 1. The by-laws, rules, regulations and ordinances of said village are hereby declared legal and valid, and when not inconsistent with the provisions of this act, shall be and continue in force and effect, until the same shall be repealed or amended by the board of trustees. Former acts to remain in force.

Sec. 2. All former acts relating to the village of Benton Harbor, inconsistent herewith, are hereby repealed; but such repeal shall not affect any act, claim, or right secured or estab- Prior claims to remain good.

President;
duties of.

to time. The president shall be the chief executive officer of said village, and shall preside at the meeting of the board, and it shall be his duty to see that the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect one of their own number as president *pro tem.*, who shall have all the powers and perform all the duties of the president during the continuance of such absence or inability.

Clerk to give
notice of
election.

Sec. 4. It shall be the duty of the clerk to give notice of the time and place of holding an election, by causing a notice to be printed in some newspaper published in said village, if there be one, once in each week for two successive weeks next preceding the day of holding the same, or by posting notices in five public places in said village; and at all elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon.

Polls; when
opened and
closed.

Clerk to
notify per-
sons of their
election.

And at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their respective duties the ensuing Monday.

Officers of
election after
the first.

Sec. 5. After the first election any two members of the village board may be the inspectors of the election; a third member shall act as poll clerk. The clerk of the village shall be the clerk of the election, but in case of the absence of the clerk the inspectors may appoint any elector to act as such clerk; and the inspectors and clerk shall take an oath, to be administered by any person authorized to administer oaths, to faithfully and impartially discharge the duties of inspectors and clerks of such election, and such inspectors shall have the same power to preserve the purity of the election as is or may hereafter be given to the inspectors of a township election.

Oath of
officers.

Sec. 6. Every officer elected or appointed under the provisions of this act, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any person authorized to administer oaths, to

support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath or affirmation shall be made and kept by the clerk; and the treasurer and marshal shall also furnish bonds in such sums, and with such sureties as the village board may require and approve, which bond or bonds shall be filed in the clerk's office.

Sec. 7. The president and trustees of said village shall be a Body corporate and politic. body corporate and politic, under the name of the president and trustees of the village of Midland city, with the [same powers as township boards in addition to the special powers conferred upon them by this act, and they may have a common seal which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time may sell and convey the same, and may sue and be sued in any court of competent jurisdiction: *Provided*, That where any Proviso. suit is commenced against the corporation, it shall be by summons, a certified copy of which shall be served on the president or one of the trustees at least six days before the return day mentioned therein.

Sec. 8. Any justice of the peace of the township of Midland Justices of the peace; powers and duties of. shall have cognizance of all matters arising under and by virtue of this act, and the by-laws and ordinances of the president and trustees, and may issue all necessary process to enforce the same, with full power to try and determine all actions and proceedings instituted under this act, and under said by-laws and ordinances. And all process issued by him may be under seal or without seal, and shall be made returnable in the same time, and proceedings shall be had in like manner as is prescribed for justices of the peace, by the laws of this State; and appeals may be taken from judgments rendered by such justice, and such judgment may be removed to the circuit court by writ of certiorari, in the same time, and in the same manner as provided by law in the case of judgments rendered by justices of the peace in ordinary cases.

Marshal to
be police
constable.

Fees of.

To enter
disorderly
houses.

President
and trustees
to appoint
necessary
officers.

Proviso.

To pass laws
relative to—

Public
property.

Riots.

Fire
department.

Sec. 10. The marshal shall be police constable and chief of the police, and he shall have all the powers of constables elected pursuant to the laws of this State, except the power to serve a civil process issued by a justice of the peace, or any process issued in the prosecution of any violation of a general law of the State, and he shall be entitled to the same fees as constables for similar service, and shall be entitled to the same privileges, and subject to the same liabilities as constables in the performance of similar duties. It shall be the duty of the marshal to see that the laws are properly observed, and he shall have power and be authorized to enter into any gaming house, saloon, or other building where he shall have good reason to believe any felony, breach of the peace, or other unlawful act is being committed, and summarily arrest all disorderly persons, and all who may be engaged in any unlawful act or thing, or who shall assemble for any unlawful purpose, and take them before any justice of the peace of the township of Midland, in said village, who shall cause them to be formally arraigned and tried before him, for such offense as shall be alleged to have been committed by them.

Sec. 11. The president and trustees shall have power to appoint all officers which they may deem necessary for said village, whose election is not provided for in this act, and remove the same at pleasure, and prescribe their powers and duties: *Provided*, That no officer shall be appointed or removed, except a majority of the village board elect shall vote for such appointment or removal; they shall also have power to make by-laws, ordinances, rules and regulations for said village, and alter the same at pleasure for the following purposes, to wit: To maintain, preserve and protect the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent and suppress riots, disturbances and disorderly assemblages; to appoint watchmen and policemen; to organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to re-

strain, apprehend and punish vagrants, mendicants, drunkards Vagrants. and all disorderly persons; to punish lewd, lascivious behavior in the streets and other public places; to suppress and restrain Gaming houses. disorderly and gaming houses, billiard tables, and other devices and instruments of gaming. They shall also have power to Liquors. make by-laws, ordinances, rules and regulations to prevent and punish the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and Fast driving. punish immoderate riding or driving in the streets of said village; to abate, prevent and remove nuisances; to suppress all Disorderly houses. disorderly houses and houses of ill-fame, and to punish the keepers and inmates thereof; to prevent and compel the re- Obstructions on walks. moval of incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners and occupants of lots to clear the side-walks in front of, and adjacent thereto, of snow, ice, mud, boxes, and other incumbrances and obstructions that may at any time be thereon; to regulate and prevent the use of fire-arms Fire-arms. and other weapons; to regulate and prevent the use of fire-works, fire crackers and other combustible materials in said village; to construct and regulate markets; to regulate the Markets. vending of poultry, meat, vegetables, fruit and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the sealing of weights and measures; to maintain and regulate Pounds. pounds, and to restrain cattle, horses, sheep, swine, mules and other animals, geese, hens, and other poultry from running at large; to prevent the running at large of dogs, to require Dogs. them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village; to regu- Cartmen, etc. late and license cartmen, porters, hacks and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works; to supply Hydraulic works. the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells, reservoirs and cisterns, and Wells and cisterns. prevent the waste of water; to prevent bathing in the public

which such premises are improved thereby, or by general tax, as they may deem just and proper; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold to pay such assessment.

To regulate
time of
working on
streets.

To prevent
incumbering
of streets.

Power of, to
take private
property.

Notice to
owners.

Council to
treat with
owner.

Summoning
of jury.

Jury to
award
damages.

Sec. 33. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, planking or paving, and railing the sidewalks, and to provide the width thereof; to prevent the obstruction or incumbering of the streets, lanes, alleys, sidewalks, or public grounds in said city; to lay out, open, make, grade and repair streets, lanes and alleys, and the same to alter and vacate, and to alter and vacate those already laid out; if in laying out or altering any street lane, or highway, the common council shall require for such purpose the ground of any person, they shall give notice thereof to the owner or person interested, or his or their agent or representative, by personal service, or by written notice posted in three of the most public places in said city, at least three weeks next preceding the meeting of said common council for the purpose aforesaid; and the common council are authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the mayor or recorder of said city to issue a *venire facias*, to command the marshal of said city to summon and return a jury of twelve disinterested freeholders, to be taken within the limits of said city, to appear before said mayor or recorder, at any place to be therein stated, to inquire into and determine the just compensation to be paid therefor to the owner or owners of, or parties interested in said grounds or premises; which jury being first duly sworn by said mayor or recorder, faithfully and impartially to ascertain and determine the just sum to be paid therefor, and

having viewed the premises, if necessary, shall inquire and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners, or the parties interested in such grounds or premises, for their respective injuries, according to the several interests or estates therein; and the said mayor or recorder shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley shall be made, laid out, altered or opened, to the claimant or claimants thereof; it shall thereupon be lawful for said common council to cause such grounds to be occupied for the purposes aforesaid: *Provided*, That any person claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so to do, to said mayor or recorder, in writing, within ten days; or, in case of the absence of said party from said city, at the rendition of said judgment, then within thirty days after the verdict of such jury, and the judgment of such mayor or recorder; upon filing a transcript of the proceedings aforesaid, duly certified by said mayor or recorder, within forty days after the verdict and judgment aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the sum assessed before the mayor or recorder, at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Compensat'n
tendered to
owner.

Proviso.

Ibid.

Sec. 36. Compensation for services may be paid out of the city treasury, as follows: The recorder and attorney shall be entitled to receive respectively such sum as the common council shall allow, not exceeding one hundred and fifty dollars per annum, as salaries, until after said city shall contain over five thousand inhabitants, when said compensation may be any sum deemed reasonable, not exceeding three hundred and fifty dol-

Compensat'n
of officers.

Ibid. lars per annum; the marshal shall be entitled to receive the same fees for serving processes in behalf of the corporation as constables are by law allowed for similar services, and he shall receive such further compensation as the common council shall allow, not exceeding one hundred dollars per annum; the treasurer, justices of the peace, and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the street commissioner shall be entitled to receive one dollar and fifty cents per day for services, and at the same rates for parts of a day actually employed; the director of the poor, school inspectors, and all other officers of said city, not otherwise provided for, shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices.

**City super-
visors; pow-
ers and
duties of.**

Sec. 45. The supervisor of said city shall have and exercise, within said city, all the powers, authority and functions of supervisors of towns, as now provided, or may hereafter be provided by law, except as herein otherwise provided; and he shall be a member of the board of supervisors of the county of Ottawa, and as such shall be entitled to the same compensation, and shall have the same powers, and be paid in the same manner as supervisors of townships, and he shall perform, as such supervisor, such other duties as by this act shall be required of him. The mayor of said city shall also be a member of the board of supervisors of Ottawa county, and shall be entitled to the same compensation for attending said board of supervisors as allowed by law to the other members of said board, to be paid in the same manner.

**To make
annual as-
sessment.**

Sec. 46. The annual assessment of property in said city shall be made by the supervisor thereof.

**Compensa-
tion of.**

Sec. 48. The supervisor of said city shall receive as compensation for his services, while actually employed as such supervisor, the same sum per day as supervisors or assessors performing like duties in townships are, or may hereafter be

allowed by law, which compensation shall be audited and paid by the common council of said city, by a vote and resolution of said council.

Sec. 49. The accounts and demands of the supervisor, and of all other persons against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the common council.

Sec. 50. The supervisor of said city shall complete the tax roll of said city, and deliver the same, with his warrant thereto attached, to the city treasurer, within the time prescribed by law for the completion and delivering of the township tax rolls to the respective township treasurers of this State: *Provided*, Security has been given by such city treasurer, as required by law, or in this act provided; but if such security shall not have been given by such city treasurer, in the manner and within the time required, the common council shall immediately appoint some reliable, suitable person, who shall give the requisite security, to collect the taxes specified on such tax roll; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doings thereon, in the same manner, and shall have all the powers, and shall perform all the duties, and be subject to the same liabilities in this act conferred upon the city treasurer of said city, for the purpose of collecting and returning and paying over such taxes.

Sec. 52. The supervisor of said city shall, in each and every year, make and complete the assessment of all the real and personal property within said city, in the same manner and within the same time as required by law for the assessment of property in the several townships of this State, and in so doing shall conform to the provisions of law governing the action of the supervisors of the several townships of this State performing like services; and in making the assessment roll for said city, he shall put all of the assessable property in each ward in a subdivision by itself, making four subdivisions thereof, all

Ibid. lars per annum; the marshal shall be entitled to receive the same fees for serving processes in behalf of the corporation as constables are by law allowed for similar services, and he shall receive such further compensation as the common council shall allow, not exceeding one hundred dollars per annum; the treasurer, justices of the peace, and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the street commissioner shall be entitled to receive one dollar and fifty cents per day for services, and at the same rates for parts of a day actually employed; the director of the poor, school inspectors, and all other officers of said city, not otherwise provided for, shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices.

City super-
visors; pow-
ers and
duties of.

Sec. 45. The supervisor of said city shall have and exercise, within said city, all the powers, authority and functions of supervisors of towns, as now provided, or may hereafter be provided by law, except as herein otherwise provided; and he shall be a member of the board of supervisors of the county of Ottawa, and as such shall be entitled to the same compensation, and shall have the same powers, and be paid in the same manner as supervisors of townships, and he shall perform, as such supervisor, such other duties as by this act shall be required of him. The mayor of said city shall also be a member of the board of supervisors of Ottawa county, and shall be entitled to the same compensation for attending said board of supervisors as allowed by law to the other members of said board, to be paid in the same manner.

To make
annual as-
sessment.

Sec. 46. The annual assessment of property in said city shall be made by the supervisor thereof.

Compensa-
tion of.

Sec. 48. The supervisor of said city shall receive as compensation for his services, while actually employed as such supervisor, the same sum per day as supervisors or assessors performing like duties in townships are, or may hereafter be

allowed by law, which compensation shall be audited and paid by the common council of said city, by a vote and resolution of said council.

Sec. 49. The accounts and demands of the supervisor, and of all other persons against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the common council.

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under the general head of the assessment of the city of Grand Haven; and in all other respects he shall, unless when otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State in the assessment of property, the levying of taxes, and the issuing of warrants for the collection and return thereof; and he shall also, in each year, within fifteen days after the time required by law for completing the assessment rolls in the several townships of this State, make and file with the recorder of said city, a true and certified copy of the assessment roll thereof for such year, and the recorder shall receive and file the same in his office.

Supervisor
to file cer-
tified copy
of, with
recorder.

Sec. 53. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes, within said city for such year, and also to notify the supervisor of said city of the amount thereof, within five days after the board of supervisors of the said county of Ottawa shall have completed the equalization of the valuation of the property in said city, and said townships of said county for such year; and it is hereby made the duty of the supervisor of said city, to levy the sum so apportioned to said city, and such other taxes as may be required by law, upon the taxable property of such city, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

Council to
determine
am't neces-
sary to be
raised.

Supervisor
to levy sums
apportioned.

Sec. 73. At all city elections every elector shall vote in the ward where he shall reside ten days preceding the day of election.

When elec-
tors shall
vote.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 430..]

AN ACT to authorize the mayor, recorder and aldermen of the city of Ann Arbor to borrow money and issue bonds to aid in furnishing said city with water.

SECTION 1. *The People of the State of Michigan enact, That the* Borrowing money and issuing of bonds authorized.
 mayor, recorder and aldermen of the city of Ann Arbor, in the county of Washtenaw, are hereby authorized and empowered to borrow money, on the faith and credit of said city, and to issue bonds therefor to an amount not exceeding seventy-five thousand dollars, to be paid by said city, within a period not exceeding twenty years from the date thereof, and at a rate of interest not exceeding seven per cent. per annum; the said bonds, or the money realized from the sale thereof, to be used and applied to the purpose of furnishing the said city of Ann Arbor with water, and for no other purpose.

Sec. 2. The bonds hereby authorized to be issued by the Style and value of bonds.
 mayor, recorder and aldermen of said city, for the purpose aforesaid, shall be coupon bonds, in denominations of not less than one hundred dollars nor more than five hundred dollars each, and shall be signed by the mayor and countersigned by By whom signed.
 the recorder, and issued payable to the order of the person When payable.
 named therein, or to the bearer, in such sums, not exceeding in the aggregate seventy-five thousand dollars, payable at such times, not exceeding twenty years from the date thereof, and at such rate of interest, not exceeding seven per cent. per annum, payable annually or semi-annually, as the common council shall determine: *Provided*, That said mayor, recorder and Provided.
 aldermen aforesaid shall not be authorized and empowered to issue said coupon bonds, or any part or number thereof, unless a majority of the tax-paying electors of said city of Ann Arbor, present and voting, shall, as provided in section three, title five of the charter of said city, first determine the sum of money that shall be raised for the purpose aforesaid, and bonds issued therefor.

Council to
provide for
tax to pay
interest on.

Sec. 3. It shall be the duty of the common council of said city to provide, by tax, for the payment of the interest accruing on the bonds issued under the provisions of this act, as the same shall become due, which tax shall be in addition to the taxes which the said common council are now, or may be hereafter authorized to levy and collect; and it shall be the duty of the said common council to provide for the payment of the principal of said bonds, at the maturity thereof, by tax upon the taxable property in said city of Ann Arbor, to be levied and collected in manner provided in the charter of said city.

May con-
struct water
works.

Sec. 4. The common council shall have power to construct such water works, or they may authorize the same to be constructed by a company, and to aid such company by issuing to such company the city bonds aforesaid; but in such case the bonds aforesaid shall not be issued to such company exceeding one-half the cost of such water works at the time of such issue, the cost of the works to be ascertained by three commissioners appointed by the circuit court for Washtenaw county, upon petition presented by authority of said common council.

Amount to
be retained
until works
are com-
pleted.

Sec. 5. Fifteen per cent. of the amount of aid granted to any company shall be retained until the works are put in successful operation, and until the common council are satisfied that the company have, in good faith, performed their contract.

Approved April 3, 1869.

[No. 431.]

AN ACT to incorporate the village of Midland City.

Boundaries.

SECTION 1. *The People of the State of Michigan enact, That all the following tract of country and territory situated in the county of Midland, and State of Michigan, being in township number fourteen north, of range two east, be and the same is hereby constituted a village corporate, under the name of Midland City, said territory hereby incorporated being par-*

ticularly described as follows, to wit: Beginning at the quarter post in the west line of school section sixteen, thence running westerly on quarter line of section seventeen to the east bank of the Tittabawassee river, then down said river as it tends to the quarter line, then southerly on said quarter line to the center quarter post of section twenty, then easterly on quarter line one mile and a half to the quarter post in the west line of section twenty-two, then northerly on section line one mile to the quarter post in the west line of section fifteen, then westerly on quarter line of school section sixteen one mile to place of beginning, all in town fourteen north, of range two east.

Sec. 2. The electors of said village shall meet on the second Monday in April, eighteen hundred and sixty-nine, at the courthouse in said village, and there, by ballot, elect by plurality of votes, one person to be president of said village, and three persons to be trustees for one year, and three for two years, and one person to be marshal, and one to be clerk, and also one person to be assessor, and one to be treasurer of said village. At which election the township clerk of the township of Midland shall act as clerk; and he may elect any two justices of the peace of said town to act as inspectors; and the township clerk shall give the same notice as provided in this bill for annual elections. And annually thereafter on the second Tuesday of March, a president, marshal, treasurer, assessor, and clerk shall be elected, who shall hold their offices for one year, and three trustees, who shall hold their offices for two years. But in case of a failure, for any cause, to elect any or all of said officers, on the day when by this act they should be elected, the said corporation shall not, for that reason, be dissolved. And it shall be lawful to hold an election and elect such officers, at any time thereafter, by giving the like notice thereof that is required by this act to be given for the holding of the regular election.

Sec. 3. The president and trustees shall constitute the village board, and a majority of said board shall constitute a quorum to transact business, and a less number may adjourn from time

President;
duties of.

to time. The president shall be the chief executive officer of said village, and shall preside at the meeting of the board, and it shall be his duty to see that the officers of said village faithfully discharge their duties; and in case of his absence or inability to serve, the trustees shall have power to elect one of their own number as president *pro tem.*, who shall have all the powers and perform all the duties of the president during the continuance of such absence or inability.

Clerk to give
notice of
election.

Sec. 4. It shall be the duty of the clerk to give notice of the time and place of holding an election, by causing a notice to be printed in some newspaper published in said village, if there be one, once in each week for two successive weeks next preceding the day of holding the same, or by posting notices in five public places in said village; and at all elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon.

Polls; when
opened and
closed.

Clerk to
notify per-
sons of their
election.

And at the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof, and within five days give notice to the persons elected, who shall enter upon their respective duties the ensuing Monday.

Officers of
election after
the first.

Sec. 5. After the first election any two members of the village board may be the inspectors of the election; a third member shall act as poll clerk. The clerk of the village shall be the clerk of the election, but in case of the absence of the clerk the inspectors may appoint any elector to act as such clerk; and the inspectors and clerk shall take an oath, to be administered by any person authorized to administer oaths, to faithfully and impartially discharge the duties of inspectors and clerks of such election, and such inspectors shall have the same power to preserve the purity of the election as is or may hereafter be given to the inspectors of a township election.

Oath of
officers.

Sec. 6. Every officer elected or appointed under the provisions of this act, before entering upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any person authorized to administer oaths, to

support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath or affirmation shall be made and kept by the clerk; and the treasurer and marshal shall also furnish bonds in such sums, and with such sureties as the village board may require and approve, which bond or bonds shall be filed in the clerk's office.

Sec. 7. The president and trustees of said village shall be a body corporate and politic, under the name of the president and trustees of the village of Midland city, with the [same powers as township boards in addition to the special powers conferred upon them by this act, and they may have a common seal which they may alter at pleasure, and may purchase and hold real estate for the use of said village, and at any time may sell and convey the same, and may sue and be sued in any court of competent jurisdiction: *Provided*, That where any suit is commenced against the corporation, it shall be by summons, a certified copy of which shall be served on the president or one of the trustees at least six days before the return day mentioned therein.

Sec. 8. Any justice of the peace of the township of Midland shall have cognizance of all matters arising under and by virtue of this act, and the by-laws and ordinances of the president and trustees, and may issue all necessary process to enforce the same, with full power to try and determine all actions and proceedings instituted under this act, and under said by-laws and ordinances. And all process issued by him may be under seal or without seal, and shall be made returnable in the same time, and proceedings shall be had in like manner as is prescribed for justices of the peace, by the laws of this State; and appeals may be taken from judgments rendered by such justice, and such judgment may be removed to the circuit court by writ of certiorari, in the same time, and in the same manner as provided by law in the case of judgments rendered by justices of the peace in ordinary cases.

Marshal to
be police
constable.

Fees of.

To enter
disorderly
houses.

President
and trustees
to appoint
necessary
officers.

Provided.

To pass laws
relative to—

Public
property.

Riots.

Fire
department.

Sec. 10. The marshal shall be police constable and chief of the police, and he shall have all the powers of constables elected pursuant to the laws of this State, except the power to serve a civil process issued by a justice of the peace, or any process issued in the prosecution of any violation of a general law of the State, and he shall be entitled to the same fees as constables for similar service, and shall be entitled to the same privileges, and subject to the same liabilities as constables in the performance of similar duties. It shall be the duty of the marshal to see that the laws are properly observed, and he shall have power and be authorized to enter into any gaming house, saloon, or other building where he shall have good reason to believe any felony, breach of the peace, or other unlawful act is being committed, and summarily arrest all disorderly persons, and all who may be engaged in any unlawful act or thing, or who shall assemble for any unlawful purpose, and take them before any justice of the peace of the township of Midland, in said village, who shall cause them to be formally arraigned and tried before him, for such offense as shall be alleged to have been committed by them.

Sec. 11. The president and trustees shall have power to appoint all officers which they may deem necessary for said village, whose election is not provided for in this act, and remove the same at pleasure, and prescribe their powers and duties: *Provided*, That no officer shall be appointed or removed, except a majority of the village board elect shall vote for such appointment or removal; they shall also have power to make by-laws, ordinances, rules and regulations for said village, and alter the same at pleasure for the following purposes, to wit: To maintain, preserve and protect the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent and suppress riots, disturbances and disorderly assemblages; to appoint watchmen and policemen; to organize a fire department, and define their duties, and prescribe penalties for their delinquencies; to re-

strain, apprehend and punish vagrants, mendicants, drunkards Vagrants.
 and all disorderly persons; to punish lewd, lascivious behavior
 in the streets and other public places; to suppress and restrain Gaming
 disorderly and gaming houses, billiard tables, and other devices houses.
 and instruments of gaming. They shall also have power to Liquors.
 make by-laws, ordinances, rules and regulations to prevent and
 punish the selling or giving away of spirituous or fermented
 liquors to drunkards, minors or apprentices; to prevent and Fast driving.
 punish immoderate riding or driving in the streets of said vil-
 lage; to abate, prevent and remove nuisances; to suppress all Disorderly
 disorderly houses and houses of ill-fame, and to punish the houses.
 keepers and inmates thereof; to prevent and compel the re- Obstructions
 moval of incumbrances, encroachments and obstructions upon on walks.
 the streets, walks, lanes, alleys, parks and public grounds;
 to compel the owners and occupants of lots to clear the side-
 walks in front of, and adjacent thereto, of snow, ice, mud, boxes,
 and other incumbrances and obstructions that may at any
 time be thereon; to regulate and prevent the use of fire-arms Fire-arms.
 and other weapons; to regulate and prevent the use of fire-
 works, fire crackers and other combustible materials in said
 village; to construct and regulate markets; to regulate the Markets.
 vending of poultry, meat, vegetables, fruit and fish; to regu-
 late the sale of hay, wood, lime, lumber and coal; to regulate
 the sealing of weights and measures; to maintain and regulate Pounds.
 pounds, and to restrain cattle, horses, sheep, swine, mules and
 other animals, geese, hens, and other poultry from running at
 large; to prevent the running at large of dogs, to require Dogs.
 them to be muzzled, and to authorize their destruction if found
 at large in violation of any ordinance of said village; to regu-
 late and license cartmen, porters, hacks and cabs, and to regu- Cartmen,
 late their rates of compensation; to prevent runners from etc.
 soliciting travelers; to construct hydraulic works; to supply Hydraulic
 the village with water; to light the streets; to borrow money works.
 for public improvements, not exceeding one thousand dollars
 in any one year; to establish wells, reservoirs and cisterns, and Wells and
 prevent the waste of water; to prevent bathing in the public cisterns.

- Cemeteries.** streams in said village; to purchase grounds, construct and regulate cemeteries, and the burial of the dead; to order the use for burial purposes of any burying ground or cemetery to be discontinued, whenever the majority of the electors of said village shall deem it for the public interest, and a majority of all the voters voting at such annual election, shall have voted
- Proviso.** in favor of such discontinuance: *Provided*, It shall have been first submitted to the electors of said village at an annual election, the same notice being given as special elections; and to ascertain the true boundaries of the streets and alleys, and
- Ibid.** establish the grade thereof: *Provided*, When the grade of a street has been once established and worked to, it shall not be altered without the consent of the owners of a majority of the lots along such streets and alleys; to cause streets, alleys, and low places to be drained and filled up at the expense of the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected, and beyond which buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and may
- Unsafe buildings.** pass all necessary rules and ordinances in reference to buildings deemed to be unsafe; to purchase fire engines and other
- Fire engines.** fire apparatus, and keep the same in repair; to procure and construct suitable buildings to store them; to require and cause each house, store and shop to be provided with fire buckets and ladders; to establish fire limits, within which no wooden building shall be allowed to be built, enlarged, or placed; to regulate partition walls, chimneys, flues, and putting up stoves
- Fire limits.** and stove-pipes; to regulate the construction of smith shops, planing mills, shingle mills, bakeries, and other buildings considered hazardous; to prohibit the erection of any building, or the carrying on of any business deemed extra hazardous in any place in said village, which they may consider unsafe; to guard against fires; to regulate the duties, powers and fees of the village officers; to regulate the setting of posts and shade trees, of building and erecting awnings; to require the con-
- Hazardous buildings.**
- Duties of officers.**

struction and repair of sidewalks, and prescribe their width ^{Sidewalks} and the manner of building the same. The village board shall ^{Grading streets, etc.} have power to assess and levy at any time, by special tax, the expenses of making, grading, paving, planking, opening and repairing streets, lanes and alleys, of grading, paving, planking or repairing sidewalks, upon the lots, premises and subdivisions thereof, in front of or adjacent to which said improvements are made; of constructing or repairing drains or sewers, culverts, or bridges not otherwise provided for, upon the lots, premises or subdivisions thereof that in the opinion of the village board are benefited by such improvements: *Pro-* ^{Proviso.} *vided*, That no such improvements shall be made unless a petition, duly signed by twelve freeholders of said village, asking that such improvements be made, shall have been presented to the village board: *Provided further*, That no more ^{Ibid.} than five per cent. of the assessed valuation of any lot, premises or subdivision thereof, shall be assessed, levied or collected in any one year for either or all of the above named purposes: *And provided*, That the expense of making all of such im- ^{Ibid.} *provements* in front of and adjoining such property as is exempted from taxation by section eleven of this act, and of making and repairing all cross-walks shall be paid from the general highway fund: *Provided*, That the village board shall ^{Ibid.} have power to make appropriations from the general highway fund whenever five per cent. of the assessed valuation on the adjoining property shall be inadequate to pay the expense of opening and grading any street.

Sec. 12. All taxes levied upon any real estate, and all assess- ^{Taxes to remain a lien on property.} *ments* made thereon, shall be and remain a lien upon such real estate until the same is paid.

Sec. 13. The president and trustees shall, at the close of each ^{Annual statement.} year, and before the annual election of officers, make out a statement, in writing, exhibiting in detail all items of receipts and expenditures during the past year, and cause the same to be published in a newspaper printed in said village, if there be one, at least ten days preceding the day of election, and cause

such statement to be posted up in three public places in said village at least ten days before the day of the election, and such statement shall also be read in public at the polls of the election.

By-laws and ordinances to be published.

Sec. 14. It shall be the duty of the president and trustees to cause all of the by-laws and ordinances, rules and regulations for said village, established by them, to be published in a newspaper printed in said village, if there be one, once in each week for at least three successive weeks, and cause them to be posted up in three public places in said village; and no by-law, ordinance, rule or regulation shall be enforced until such notice shall have been given.

Assessment roll.

Proviso.

Contents of

Time for reviewing.

Corrections in; when may be made.

Sec. 15. The assessor of said village shall, in April of each year, make an assessment roll containing a description of all the real estate liable to taxation in said village, and the name of the owner, occupant or agent, if known: *Provided*, That all lands of greater area than twenty acres, used exclusively for farming purposes, and being unplatted, shall be exempt from taxation except for the general tax for municipal purposes, and for special assessments for improvements made upon or adjacent to them, and shall set down in such roll, opposite each description of property, its fair valuation in cash, and shall set down in such roll opposite the name of each and every resident of said village the fair valuation in cash of all the personal property owned by him or in his possession in said village, in a separate line from the valuation of real estate; and it shall be the duty of the assessor on the first Monday of May in each year, to be present at the usual place of holding the meetings of the village board, and have with him the assessment roll prepared as above, for the purpose of reviewing the same, that any person considering himself or herself aggrieved may be heard, and he shall then and there make such alterations or corrections as shall be made to appear to him necessary to make the assessment just, equal and fair with and between all the parties concerned; and the assessor shall, as soon thereafter as practicable, proceed to estimate and set down

in a column left for that purpose, opposite the several sums set down as the value of real and personal estate in such assessment roll, the respective sums, in dollars and cents, to be paid as a tax or assessment thereon, and shall afterwards cause said assessment roll, or a copy thereof to be delivered to the marshal of said village, with a warrant annexed thereto under the hand of such assessor, directing and requiring him by a certain day therein named, not less than sixty days from the date of said warrant, to collect from the several persons named in said roll the several sums set opposite their respective names as a tax, and authorizing him, in case they or any of them shall neglect or refuse to pay the same, to levy the same by distress and sale of his or her goods or chattels, together with the costs of such distress and sale, and such warrant may be renewed from time to time, as the village board may direct; and when assessment shall be made for any special improvement it shall be legal, if not made at the time of making the grand list of regular annual assessment for general purposes, but such special assessment shall be made in a manner altogether similar to the grand list, except as to the time of making it; and notice of the time and place of reviewing such assessment shall be given by the assessor by causing a notice to be published in a paper printed in said village, if there be one, once in each week for two successive weeks next preceding the day of reviewing, and by causing a notice to be posted in three public places in said village.

Roll delivered to marshal.

Power of marshal to sell property

Special assessment to be legal.

Sec. 16. If any person shall neglect or refuse to pay the sum or sums at which he or she shall have been assessed or taxed as aforesaid, the marshal shall be required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, first giving notice thereof, as is required by law of township treasurers; and in case the marshal shall be unable to collect the taxes assessed on real estate, he shall make return thereof on oath to the village board, with the amount due and unpaid on each description.

Proceedings when person refuses to pay taxes.

Unpaid
taxes; how
collected.

Sec. 17. The tax upon real estate for the purpose mentioned in the fifteenth section of this act, shall be set down in the assessment roll in a column by itself; and whenever any such tax, and all taxes on real estate returned for non-payment of taxes, provided in the preceding section, and interest thereon to be computed at the rate of fifteen per cent. per annum until paid, shall remain unpaid for one year from the date of the warrant to the marshal as aforesaid, the treasurer of said village shall cause so much of the land charged with such tax as will be sufficient to pay said tax and the interest thereon, and the cost of advertising and selling, to be sold at public auction at some public place in said village, to the highest bidder, first giving notice of the time and place of sale, by causing a notice to be published in a newspaper printed in said village, if there be one, once in each week for at least six weeks next preceding the day of sale, and by posting the same in three public places in said village the same length of time before the day of sale; and the affidavit of the publisher that the notice was published, if a paper be printed, and of the treasurer that such notice was posted in accordance with the above provisions, entered at large on the record of said village, shall be *prima facie* evidence of such notice being given.

Notice of
sale.

Evidence of
publication.

Proceedings
on day of
sale.

Sec. 18. On the day mentioned in said notice the treasurer shall commence the sale of said lands, and shall continue the same from day to day until so much thereof shall be sold as will pay the taxes thereon, together with the interest and charges; and the treasurer shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased and the sum paid therefor, and the time when the purchaser or purchasers will be entitled to a deed of the same; and unless within one year from the date of the sale thereof there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, with the interest thereon at the rate of twenty per cent. per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of one year

Certificate of
purchase.

Conveyance.

from the date of the sale, execute to the purchaser, his heirs or assigns, a conveyance of the lands sold, which conveyance shall, except it may appear that said lands were not subject to taxation, or that the taxes were paid, vest in the person or persons to whom it shall be given an estate in fee simple, subject to all claims of the State thereon, and the said conveyance shall be *prima facie* evidence that such sale was regular, according to the provisions of this act; and every such conveyance, executed by such treasurer under his hand and seal, witnessed and acknowledged in the usual form, and duly recorded, may be introduced in evidence in the same manner and with like effect as other deeds of conveyance regularly executed, acknowledged, and recorded, may be given in evidence.

Sec. 19. The treasurer of said village shall receive the same fees in case of sales of lands for taxes by him as are or may be allowed by law to the county treasurer for like services; and the expense of advertising any lands for sale, in accordance with the provisions of this act, shall be computed at the same rate charged by the State in such cases, and shall be added to the taxes thereon by the treasurer.

Sec. 20. All orders on the treasurer for the payment of any money shall be signed by the clerk and countersigned by the president, and shall specify the fund from which they are to be paid, and they shall be paid from no other fund.

Sec. 21. All moneys assessed and raised for highway purposes shall be kept a fund separate and distinct from the general fund, and no money shall be paid from said highway fund except for highway purposes.

Sec. 22. All bridges across the Tittabawassee and Chippeway rivers, in said village, shall be and remain under the supervision of the highway commissioners of the township of Midland, and shall be constructed and maintained in the same manner as is and may be provided by law for the construction and maintenance of bridges generally in the several townships in this State. But all other bridges in said village shall be constructed

and maintained by the village, and shall be under the supervision of the village board.

Appointed
officers, and
terms of
office.

Sec. 23. All officers appointed by the village board shall hold their office for one year, and until their successors are appointed, unless sooner removed; and the village board may require of any officer of said village a bond for the faithful performance of the duties of his office, which bond shall run to the president and trustees of the village of Midland City, and their successors in office. And suit may be brought in the name of the village board for any breach in the conditions of such bond, and the circuit court for the county of Midland shall have jurisdiction to try and determine all such actions; and any justice of the peace of the township of Midland, in said village, shall have jurisdiction, concurrent with the circuit court, to try and determine any such action, where the amount claimed is less than one hundred dollars.

How suit
against may
be brought.

Vacancies;
how filled.

Sec. 24. All vacancies in the offices of said village, whether such officers be elected or appointed, shall be filled for the unexpired term by appointment, to be made by the village board.

Compensation
of officers.

Sec. 25. The members of the village board, and all other officers of the village, shall receive such compensation for their services as the village board shall prescribe.

Corporation
allowed use
of county
jail.

Sec. 26. The corporation shall be allowed the use of the county jail of the county of Midland for the imprisonment of any person liable to imprisonment under and by virtue of any of the by-laws, ordinances, rules and regulations of said village, and all persons so committed to said jail shall be under the charge of the sheriff, as in other cases of imprisonment: *Provided*, That the county shall not be chargeable with the costs and expenses of such imprisonment.

Proviso.

Firemen to
be exempt
from poll tax
and jury ser-
vice.

Sec. 27. Each member of the fire department, or of an engine, hook and ladder, hose and bucket company, duly organized by the village board, shall be exempt from paying any poll tax and from serving as a juryman; and the village board may make such laws as they may deem proper to prevent and ex-

tinguish fires, or to compel citizens to assist in extinguishing them.

Sec. 28. The village board shall have no power to grant any ^{Limit to} subsidy, to loan the credit of the village to any individual or ^{powers of} corporation, nor shall any tax be assessed, levied or collected ^{board.} for the purpose of reimbursing any individual or corporation for any improvements they may have already made, assisted in making, or shall hereafter make, or assist in making, for any expenses incurred or labor performed, or that may be hereafter incurred or performed, unless such improvements shall have been made, the expenses incurred, or the labor performed under the direction of the village board, and in accordance with the provisions of this act.

Sec. 29. The village board shall have the supervision of the ^{Board to} streets and highways within the village, and shall, within the ^{have super-} limits of said village, have the same power and perform the ^{vision of} same duties as do or may by law belong to the commissioners of highways of the several townships of this State, except as ^{streets.} relates to the bridges across the Tittabawassee and Chippeway rivers; and the village board shall appoint one or more over- ^{To appoint} seers of highways to repair and keep in order the highways, ^{overseers of} streets and alleys, and shall cause a tax to be levied and col- ^{highways.} lected upon the real and personal property in said village, not exceeding one per cent. on the valuation in any one year. And ^{Poll tax.} no other highway tax shall be levied and collected in said village, except that every male inhabitant of said village over twenty-one years and under fifty years of age, except paupers, idiots and lunatics, and except those who are exempted in section twenty-seven of this act, shall be liable to pay a poll tax of one dollar, to be collected by the overseer of highways in the same manner as is provided for collecting other highway taxes. And the vil- ^{List of} lage board shall cause a list of all persons liable to pay such ^{persons} poll tax to be made out and delivered to the overseers of high- ^{liable to pay} ways in the month of April of each year. And the village board shall have exclusive control of all moneys levied and collected in said village for highway purposes: *Provided, That* ^{Proviso.}

the power of the village board to order fences removed, and to remove them themselves, and to open, widen and extend streets and highways, shall not be restricted between the first day of April and the first day of November in each year, but they may exercise that power at any time during the year: *And provided also*, That nothing herein contained shall be construed to exempt any person or property in said village from any township tax that may be legally levied in the township of Midland for the building, repairing, or rebuilding of any bridge within said township, or for any special expenditures for laying out, opening, working or improving any highway in said township, or for any drainage for which said township may become liable by reason of any neglect to keep any bridge or public highway in proper repair.

Ibid.

Proceedings
when private
lands are
taken.

Notice to
owner.

Trustees to
treat with
owner.

Summoning
of jury.

Sec. 30. Whenever the lands of any person or persons shall be required to be taken for the constructing, widening or extending of any street, lane, alley, drain or sewer within the limits of said village, or for the use of said village for any other lawful purpose, the village board shall give notice thereof to the owners or parties interested, or his, her or their agent or representative, by personal service, or by causing a notice to be published in a newspaper in said village if there be one, once in each week for three successive weeks next preceding the meeting of the village board for any of the purposes aforesaid; and the said village board are hereby authorized to treat with such person or persons for such lands or premises; and if such person or persons shall refuse or neglect to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for the village board to direct any justice of the peace of the township of Midland, in said village, to issue a *venire facias*, directed to the marshal of said village or any constable of said county, commanding him to summon and return a jury of twelve disinterested freeholders residing within said county, to appear before him at any time to be therein stated, to inquire into the necessity of using such lands or premises, and the just compensation to be made to the owners thereof or parties in-

terested therein; which jury being first duly sworn by said ^{Jury to} justice faithfully and impartially to inquire into the just com- ^{award} ^{damages.} pensation to be made therefor, and having viewed the premises, if necessary, shall inquire and assess such damages and compensation as they shall judge fit to be awarded to the owner or owners of, or parties interested in such lands and premises for their respective losses according to the several interests or estates therein; and the said justice shall, upon the return of said assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all ^{Compensati'n} ^{tendered to;} ^{owner.} costs, shall be paid or tendered to the claimant or claimants thereof, before such highway, street, lane, alley, drain or sewer shall be made; but upon making such payment, or a legal tender thereof, it shall thereupon be lawful for the village board to cause such lands and premises to be used for the purposes aforesaid: *Provided*, That the village board, or any party ^{Proviso.} claiming damages as aforesaid, may remove such proceedings by appeal to the circuit court for the county of Midland, or any other court of competent jurisdiction, by giving notice in writing to said justice, of his, her or their intention to do so, within ten days, or in case of the absence of the party from said village at the time of rendition of the judgment, then within twenty days after the rendition of the judgment; and upon receiving such notice and one dollar for his fee for making the same, said justice shall, within twenty days, make and file in the court to which the appeal is taken, a true transcript of all the proceedings had before him, duly certified by him; and thereupon the same proceeding shall be had in the appellate court as is provided by law in other cases of appeal: *Provided*, That if ^{Ibid.} final judgment for damages shall not exceed the damage assessed before the justice at least twenty dollars, then the party appealing shall pay the costs occasioned by such appeal.

Sec. 31. The marshal shall pay to the treasurer of said vil- ^{Marshal to} ^{pay over} ^{moneys to} ^{treasurer.} lage all moneys received by him, within ten days from the date of their receipt, receiving the treasurer's receipt therefor, and

shall make monthly statements to the board of all the moneys received by him and from [for] what purpose.

Treasurer to
have custody of all
moneys.

Sec. 32. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the clerk and countersigned by the president. And he shall exhibit to the board of trustees, as often and for such periods as they may require, a full and detailed account of all receipts and expenditures, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, and all other matters relating to his office.

To present
account of
receipts and
expenditures

Wards.

Sec. 33. The village of Midland City shall be divided into three wards, and each ward shall be entitled to two trustees, who shall be residents of the wards they represent. The first ward shall be composed of all that territory within said village, lying on the south-west side of the Tittabawassee river. The second ward shall be composed of all that territory in said village, lying on the north side of Benson and Townsend streets; and the third ward shall be composed of all that territory in said village, lying on the south side of Benson and Townsend streets.

Public act.

Sec. 34. This act shall be favorably construed and received in all courts as a public act, and copies thereof, printed under the authority of the Legislature, shall be received as evidence, without further proof.

Sec. 35. This act shall take immediate effect.

Approved April 8, 1869.

[No. 432.]

AN ACT to lay out and establish a State road from Angell's Landing, (so called,) on section twenty-eight, in township twenty-nine north, of range eight west, in the county of Antrim, to the center of township twenty-nine north, of range one west, in the county of Otsego.

SECTION 1. *The People of the State of Michigan enact, That* Commissioner's appointed. Jason Angell, of the county of Antrim, be and he is hereby appointed a commissioner to lay out and establish a State road from Angell's Landing, (so called,) on section twenty-eight, in township twenty-nine north, of range eight west, in the county of Antrim, by the most direct and feasible route, to the center of township twenty-nine north, of range one west, in the county of Otsego.

SEC. 2. It shall be the duty of said commissioner, within six Duty of. months, to lay out and establish said road, and cause the same to be surveyed, and a description thereof to be filed with the township clerk of each organized township through which said road may be laid and established, so far as said road shall run through each of said organized townships, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of said road.

SEC. 3. It shall be the duty of the commissioners of high- Road to be opened same as township highways. ways in any organized township through which said road shall pass, to open and work the same in the same manner, and by virtue of the same laws, as township highways are required to be opened and worked.

SEC. 4. The right of way for said State road, through lands Right of way granted. belonging to the State, is hereby granted and conferred for the use of said road.

SEC. 5. The commissioner named in this act shall receive two Fees of commissioner. dollars per day for his services, together with the cost of survey, and other necessary expenses in laying out and establishing said road.

Non-resident
highway
taxes appro-
priated.

Sec. 6. All the non-resident highway taxes assessed for the year one thousand eight hundred and sixty-nine, and for three years thereafter, upon lands lying in Otsego county, and put down in the assessment rolls of the several years respectively, as non-resident lands, in said county of Otsego, shall be appropriated and expended for the laying out, establishment, construction and improvement of said State road.

Proceedings
in case com-
missioner
refuses to
qualify.

Sec. 7. In case the commissioner appointed by this act shall neglect or refuse to accept and qualify, or from any cause said office shall become vacant, the Governor of this State is hereby empowered, authorized, and required to appoint a suitable person as such commissioner, to carry into effect the provisions of this act; and the person so appointed shall have the same powers, and receive the same compensation as is prescribed by this act.

Sec. 8. This act shall take immediate effect.

Approved April 3, 1869.

[No. 433.]

AN ACT to authorize the supervisors of Houghton county to issue bonds for the purpose of raising money in aid of macadamizing or rocking that portion of Mineral Range State road, between the Franklin mine and the county line between said county of Houghton and Keweenaw county.

Money; su-
pervisors al-
lowed to
borrow.

SECTION 1. *The People of the State of Michigan enact, That* the board of supervisors of the county of Houghton be and they are hereby authorized and empowered to borrow money on the faith and credit of said county, and to issue bonds therefor, to an amount not to exceed ten thousand dollars, which shall be expended in macadamizing that part of the Mineral Range State road situated between the Franklin mine, in said county, and the county line between Houghton and Keweenaw counties.

Amount of,
limited.

Sec. 2. The board of supervisors of said county of Houghton shall have charge of said work, prescribing the manner in which said road shall be macadamized, (or rocked,) the time in which said road shall be completed, the time and manner of payment.

Sec. 3. The said board of supervisors shall have said work done by contract, or otherwise, as in their judgment they may deem best: *Provided*, That before any contract shall be let, proposals therefor shall be published at least three weeks in some newspaper in said county, and printed notices posted in several of the most public places in said county; said printed notices shall contain the specifications of the manner of the building and rocking of said road, the time and manner of payment, and such other information as may be necessary.

Sec. 4. Said board shall let said contract or contracts to the lowest responsible bidder, provided they consider the same reasonable and just. Said board may advertise for proposals as long as they may think the same advisable; the said board may require sufficient security from any contractor for the faithful performance of any contract.

Sec. 5. Said bonds may be issued in such sums as the board of supervisors may direct, and payable at such times, with such rate of interest, not exceeding ten per centum per annum, as the board of supervisors may direct, and shall be signed by the clerk of Houghton county, and countersigned by the chairman of the board of supervisors, with the seal of the county attached, and negotiated by, and under the direction of said board of supervisors; and said board shall have power, and it shall be their duty to raise by a tax upon the taxable property of said county, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due: *Provided*, That before any such bonds shall issue, said board of supervisors shall submit to the qualified electors of said county at the next annual township

meeting (or any special meeting called for that purpose) the question of the proposed issuing of bonds.

Sec. 6. This act shall take immediate effect.

Approved April 3, 1869.

[No. 434.]

AN ACT to amend act number one hundred and sixty-seven, of session laws of one thousand eight hundred and sixty-one, being an act to authorize the several townships in the counties of Muskegon, Oceana, Mason, and Manistee, to levy taxes for the improvement of harbors and rivers within their respective counties, approved March fifteenth, one thousand eight hundred and sixty-one.

Act
amended.

SECTION 1. *The People of the State of Michigan enact, That* act number one hundred and sixty-seven, of the session laws of one thousand eight hundred and sixty-one, being an act to authorize the several townships in the counties of Muskegon, Oceana, Mason, and Manistee, to levy taxes for the improvement of harbors and rivers within their respective counties, be so amended as to read as follows:

Counties
allowed to
levy tax.

SECTION 1. *The People of the State of Michigan enact, That* any township in the counties of Muskegon, Oceana, Mason or Manistee shall have power, by a majority vote, by ballot, of all the qualified electors present at any legal township meeting, to levy a tax not exceeding one per cent. in any one year, upon the taxable property of said township, for the improvement of any harbor or river within the county. Said tax shall be assessed and collected at the same time and in the same manner as other township taxes, and when so collected shall be paid over by the township treasurer as is hereinafter provided:

How tax
shall be
levied and
collected.

Provided.

Provided, That no such tax shall be levied unless thirty days' notice shall be given by publishing the same in a newspaper, if there be one published in either of said counties in this act named, and by posting written or printed notices in at least six of the most public places in said township, which notices

shall specify the harbor or river to be improved, and the amount of tax to be voted: *Provided further*, That the unorganized county of Lake shall be exempt from the provisions of this act. Ibid.

Sec. 2. The supervisor and town clerk of the township in which such improvement is to be made, shall constitute a board of commissioners, whose duty it shall be to receive all money collected by tax, subscription, or otherwise, and appropriate the same either by contract to the lowest responsible bidder, or otherwise, as may be deemed most expedient, and shall annually, on or before the annual township meeting, submit to the supervisor of each township taxed, a full and complete statement of the receipts and disbursements of all sums received by them. Board of commissioners; who to constitute. Duty of.

Sec. 3. The said commissioners shall execute bonds in double the amount of taxes collected, payable to the county treasurer, for the use of the inhabitants of the township raising such tax, conditioned for the faithful performance of said trust, and shall have power after giving bonds, as aforesaid, to draw on the several township treasurers for any amount of money held by them, to the credit of said improvement fund. Comm'rs to give bonds.

Sec. 4. Said commissioners are authorized to appoint a superintendent to prosecute said work, who shall at all times be under their control. May appoint a superintendent.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 435.]

AN ACT to authorize the common council of the village of Three Rivers, St. Joseph county, to remove the dead from the cemetery grounds in said village, to Riverside cemetery, in said county.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Three Rivers may, whenever they may deem it expedient, have the power to remove the remains of any person now buried on block number thirty- Council authorized to move bodies from cemetery.

one, in said village, heretofore used for cemetery purposes, to the Riverside cemetery, in said county, and there reinter the same in a careful and respectful manner, and also to remove all tombstones and monuments, and reset the same over such bodies so removed.

Not to sell
the land.

Sec. 2. After the removal of the dead from said block number thirty-one, it shall be and remain public property, under the control and management of the common council of said village, for public use, and not to sell for private or individual use or profit.

Sec. 3. This act shall take immediate effect.

Approved April 3, 1869.

[No. 436.]

AN ACT to provide for the payment of certain drainage orders outstanding in the county of Oakland.

Preamble.

Whereas, By virtue of the provisions of an act entitled "An act to provide for the drainage of swamps, marshes, and other low lands," approved March fifteenth, eighteen hundred and sixty-one, and acts amendatory thereof, certain drainage commissioners were appointed in and for the county of Oakland;

And whereas, Said commissioners, in the discharge of their official duties, and in conformity to the provisions of the said act, and acts amendatory thereof, proceeded to locate, lay out, and establish certain ditches or drains, to let contracts for the completion of the same, and to draw orders upon the treasurer of said county in payment of the labor and other expenses incurred in the construction of said drains and ditches;

Ibid.

And whereas, By the provisions of act number one hundred and sixty-nine, of the session laws of eighteen hundred and sixty-seven, the provisions of the act aforesaid became inoperative in the county of Oakland, except in the township of Royal Oak, but allowing said commissioners one year in which

to complete the ditches or drains then laid out and established in said county;

And whereas, Before the expiration of said year the said commissioners were enjoined by the circuit court for the said county of Oakland from further action, and were thus prevented from completing said drains and ditches at that time being constructed in said county, and raising by tax the necessary means to pay the same, as provided by the several acts aforesaid, leaving a large amount of drainage orders in the hands of contractors and other persons, with no authority to raise by tax or otherwise the means necessary for the payment thereof; therefore,

SECTION 1. *The People of the State of Michigan enact, That* the board of supervisors of the county of Oakland are hereby authorized, by resolution of said board, to apportion, assess, and levy upon the lands benefited by the construction of said drains or ditches, and collect a tax or taxes amounting in the aggregate to a sum sufficient to pay, redeem, and discharge the drainage orders heretofore drawn and now outstanding in said county, as to said board of supervisors may appear just and equitable, but in conformity, as near as may be, to the provisions of an act entitled "An act to provide for the drainage of swamps, marshes, and other low lands," approved March twenty-second, eighteen hundred and sixty-nine.

Supervisors authorized to levy certain taxes to pay for ditches.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 437.]

AN ACT to authorize the Cass County Agricultural Society to sell their Fair Grounds.

SECTION 1. *The People of the State of Michigan enact, That* the officers of the Cass County Agricultural Society be and they are hereby authorized to sell and convey to the Peninsular Railway Company a strip of land, not more than one hundred

Society authorized to sell portion of ground to railroad.

feet wide, along the line of their railroad, now located over and across the fair grounds of the Cass County Agricultural Society, in the west half of the south-west quarter of section thirty-six, in township six south, of range fifteen west, near the village of Cassapolis, Michigan.

To sell other
part to best
advantage.

Sec. 2. The said officers of the Cass County Agricultural Society are hereby authorized to sell and convey, by good and sufficient deed or deeds of conveyance, the remainder of said fair grounds to such person or persons as to them shall seem best, and for the best price or prices they can procure for the same, either at public or private sale, as to the said officers shall seem most advantageous to the interests of said society.

President
and secretary
to make
conveyance.

Sec. 3. The president and secretary of said agricultural society are hereby authorized to make, execute and deliver good and sufficient deed or deeds for the conveyance of the lands hereinbefore authorized to be sold.

Proceeds of
sale; how
to be appor-
tioned.

Sec. 4. The proceeds of the sale of the lands as herein provided, shall be held by said officers, or appropriated by them for the exclusive use and benefit of said Cass County Agricultural Society, and for no other purpose whatever.

Sec. 5. This act shall take immediate effect.

Approved April 3, 1869.

[No. 438.]

AN ACT to amend an act entitled "An act to incorporate the village of Petersburg," approved March nineteenth, eighteen hundred and sixty-nine, by adding a new section thereto.

Sections
added.

SECTION 1. *The People of the State of Michigan enact, That an act entitled "An act to incorporate the village of Petersburg," approved March nineteenth, eighteen hundred and sixty-nine, be amended by adding a new section thereto, to stand as section twenty-nine, and to read as follows:*

Failure to
hold election
at appointed
time, not to
dissolve
corporation.

Sec. 29. The neglect to hold the election at the time and place mentioned in section two of an act to which this act is amendatory, shall not work a dissolution of such corporation,

but in such case it shall be lawful to hold such election at any time and place in said village thereafter, pursuant to public notice, which may be given as provided in section five of said act.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 439.]

AN ACT to repeal the charter of the Monroe and Saline Plank Road Company.

SECTION 1. *The People of the State of Michigan enact, That* ^{Acts repealed.} act number two hundred and sixty, of the laws of eighteen hundred and forty-eight, entitled "An act to incorporate the Monroe and Saline Plank Road Company," approved April third, eighteen hundred and forty-eight, and all acts or parts of acts amendatory thereof, be and the same are hereby repealed.

Approved April 3, 1869.

[No. 440.]

AN ACT to amend sections one and six of an act entitled "An act to amend sections one, three, four, five, six, and seven of an act entitled an act to incorporate the fire department of the city of Detroit," approved February fourteenth, eighteen hundred and forty, and an act amendatory thereto, approved January fourteenth, eighteen hundred and fifty-nine, approved March fifteenth, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section one of an act entitled "An act to incorporate the fire department of the city of Detroit," approved February fourteenth, eighteen hundred and forty, be and the same is so amended that said section shall read as follows:

Fire department declared a body corporate and politic.

SECTION 1. *The People of the State of Michigan enact*, That all persons who now are or may hereafter become members of the fire department of the city of Detroit, and their successors, shall be and hereby are ordained, constituted and declared to be and continue a body corporate and politic, in fact and in name, under the name and style of the "fire department of the city of Detroit," for the purposes recited in the above preamble, as well as the maintenance of an institution or institutions for moral and intellectual improvement, and the relief and instruction of such homeless and destitute persons of the city of Detroit as they may select; and by that name they and their successors may and shall have perpetual succession and shall be known in law, capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in all suits complaints, matters, causes, courts and places whatsoever, both in law and equity, and capable of having a common seal, of acquiring by purchase, gift, devise, or otherwise, and of holding and conveying any real and personal or mixed estates necessary, proper, or expedient for the object of this incorporation, and the said property, real, mixed and personal, shall be exempt from taxation: *Provided*, That the amount of said estate shall not exceed the sum of sixty thousand dollars.

Proviso.

Sec. 2. That section six of said act shall be amended so as to read as follows:

How funds of corporation shall be appropriated.

Sec. 6. That the funds of the said corporation, and the interest thereon, shall be appropriated and used in carrying out the objects and purposes of said incorporation, defraying its incidental expenses, providing for the relief of indigent and disabled members of the incorporation, their widows and orphans, as well as for the maintenance of an institution or institutions for moral and intellectual improvement, and the relief and instruction of such homeless and destitute persons of the city of Detroit as they may select, and for no other purpose whatever.

Sec. 3. This act shall take immediate effect.

Approved April 3, 1869.

[No. 441.]

AN ACT to appropriate certain highway taxes for the improvement of the wagon road from the Saginaw river to Alma, in the county of Gratiot.

SECTION 1. *The People of the State of Michigan enact, That* Non-resident taxes appropriated for road. for the purpose of building and improving the wagon road known as the Saginaw and Gratiot State road, in the counties of Saginaw and Gratiot, all the highway taxes that shall be assessed upon non-resident lands, the half or more of any legal subdivision of which shall lie within one mile of said Saginaw and Gratiot road, on either side thereof, from the center of said road, shall be and the same are hereby appropriated for the period of two years from the time this act shall take effect, to be expended in building and improving said road, except four miles on south side of said road, being two miles each side of the line between towns twelve north, of ranges one and two west, the same having been otherwise appropriated.

Sec. 2. That Ami W. Wright and William F. Glasby, of the county of Saginaw, be and they are hereby appointed special Commissioners appointed. commissioners to expend said appropriation; and said commissioners shall each give a bond, with sureties, in the sum of one thousand dollars, to the respective treasurers of Saginaw and Gratiot counties, for the proper and faithful expenditure of all money hereby appropriated, and received by them as such commissioners.

Sec. 3. Said commissioners may demand and are hereby authorized to receive all moneys collected from non-resident To receive all moneys. lands as herein appropriated; and it shall be the duty of the treasurer and overseers of highways of the several townships through which said Saginaw and Gratiot road shall pass, to pay over to said commissioners, on demand, all the moneys appropriated by this act.

Sec. 4. Said commissioners shall cause all moneys received How shall use money. by them under this act, to be used in building and improving said road, and for no other purpose; and said commissioners

shall not receive any pay for the services rendered by them.

Act of single
commissioner to
be deemed
valid.

If either of said commissioners shall fail or refuse to serve, as hereby authorized and appointed, the remaining commissioner shall be authorized to perform the duties of commissioners under this act, and the same shall be valid as if both said commissioners had qualified, served and acted as hereto authorized.

Commissioners
to make
reports.

Sec. 5. Said commissioners shall report annually to the board of supervisors of the counties of Gratiot and Saginaw, the amounts of moneys received and expended by them in the respective counties, and shall be subject to removal by the Governor at any time for the improper or non-performance of their duties as such commissioners.

Sec. 6. This act shall take immediate effect.

Approved April 3, 1869.

[No. 442.]

AN ACT to authorize the township of Lee, in the county of Calhoun, to vote a tax to repay a certain advance made to said township.

Voting of
specific tax
authorized.

SECTION 1. *The People of the State of Michigan enact, That the legal voters of the township of Lee, in the county of Calhoun, are hereby authorized and empowered, at the regular township meeting, for the election of township officers, in the year of our Lord one thousand eight hundred and sixty-nine, to vote for a special tax for the purpose of paying the sum of two hundred dollars advanced by H. M. Thomas, C. B. Wood, R. B. Wood, A. C. Jewett, N. Wood, Potter Pain, Z. J. Carpenter, J. T. Scarlett, David Wetmore, Thomas Demuir, Lewis Cooper, Chas. Mount, P. E. McWithey, W. Morrow, Joseph Hawk, Thomas Redish, George J. Belcher, David W. Murray, Benj. T. Watson, James H. Sebolt, W. Melbourne, David Bennett, William Boles and T. T. Emerson, for the use and benefit of said*

township, together with interest from the date of such advancement. That if at said town meeting said voters shall vote to raise said special tax, that the same be assessed and collected on the taxable property of said township in like manner as other taxes for township purposes; that when said tax is raised, the same shall be paid by the township treasurer to such person as may be appointed by said parties to receive the same, such appointment to be in writing, signed by all of said parties.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 443.]

AN ACT to provide for the laying out, establishing and construction of a State road in the counties of Gratiot and Saginaw.

SECTION 1. *The People of the State of Michigan enact, That* Commis'srs appointed. Stephen Crane, of Saginaw, and Daniel L. Case, of Ingham county, be and they are hereby appointed commissioners to lay out, establish and construct a State road, commencing at the north-west corner of section number twenty, in town number ten north, of range number two east, and running thence westerly on the most eligible route to the intersection of the Ovid and St. Charles State road, near Mead's saw-mill, on section number fifteen, in town ten north, of range number one west.

Sec. 2. It shall be the duty of said commissioners, on or before Duties of. the first day of July next, in the year one thousand eight hundred and sixty-nine, to proceed to lay out said road, and cause the same to be surveyed, and a description thereof to be filed with the township clerk of each of the respective townships on the line thereof, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of said road; and said commissioners, on the laying out of said

To have
power of
highway
commis'srs

road, shall be governed by the laws relating to commissioners of highways, and they shall have all the powers of commissioners of highways so far as such powers may be necessary to carry out the provisions of this act.

Non-resident
highway
taxes appro-
priated.

Sec. 3. For the purpose of constructing and improving said road, there is hereby appropriated, to be expended as hereinafter provided, all the non-resident highway tax that shall be assessed for the present year, (eighteen hundred and sixty-nine,) and for the four next succeeding years, upon all the lands in township number ten north, of range number one east, in the county of Saginaw, also, sections one, two, three, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three and twenty-four, town ten north, of range one west, being the township of Hamilton, in the county of Gratiot.

Overseers
of highways
to pay over
money.

Sec. 4. Any overseer of highways within such township, or any township treasurer thereof having received any portion of such road tax, by way of commutation or collection, shall, on demand of such special commissioners, or either of them, pay over to them any sums so received, and the receipt of such commissioners, or either of them, shall release such overseer or town treasurer from any further liabilities therefor.

County
treasurer to
keep acc't
with com'rs.

Sec. 5. The treasurers of Saginaw and Gratiot counties shall each open an account with the commissioners appointed by this act, or their successors in office, and credit to said commissioners all the moneys collected in their respective counties for highway taxes within the limits above mentioned in the township of Hamilton, in Gratiot county, and in township ten north, of range number one east, being a part of the township of Brant, in Saginaw county: *Provided*, That said moneys shall be expended within the limits of the townships from which they were collected.

Proviso.

To pay over
money on
warrants.

Sec. 6. The county treasurers of each of said counties of Gratiot and Saginaw shall each pay over, upon the warrant of said commissioners, or their successors, all highway taxes which shall come into their hands, derived from lands within

the limits herein by this act prescribed: *Provided*, That such ^{Provide.} warrants shall state upon their face that the person in whose favor such is drawn has actually done the labor, or furnished the materials, to the full amount of said warrant.

Sec. 7. Before either of said commissioners shall draw from ^{Commis's to give bonds.} the treasury of said counties of Saginaw or Gratiot, by virtue of this act, they shall execute a bond to the treasurer of each of said counties, with one or more sureties, in double the amount so to be drawn, conditioned to the faithful performance of their several duties as such commissioners, which said bond shall be approved by the county treasurer of the respective county, and filed with the county clerk.

Sec. 8. It shall be the duty of said commissioners to super- ^{How shall construct road.} intend the construction and improvement of said road, and to determine the manner in which labor shall be applied and laid out thereon, and they shall have power to let out the work to be done by contract, and to enforce the execution of said contracts.

Sec. 9. The said commissioners shall receive as compensation ^{Compensation of.} for their services one dollar and fifty cents per day while engaged in the performance of the duties imposed upon them by this act, which shall be paid out of the fund created by this act, after their accounts for the same, verified by their oaths, shall be approved by the treasurer of Saginaw or Gratiot county.

Sec. 10. In case any vacancy shall occur in the office of com- ^{Vacancies; how filled.} missioner, as created by this act, it shall be the duty of the Governor of the State of Michigan to appoint a commissioner to fill such vacancy, and such appointee shall give bonds in like manner, and have the same power as the commissioners appointed by this act.

Sec. 11. All acts, or such parts of acts as may contravene ^{Manner of constructing road.} the provisions of this act, are hereby repealed.

Sec. 12. This act shall take immediate effect.

Approved April 3, 1869.

[No. 444.]

AN ACT to amend section three of an act entitled "An act to accept the grant of lands made to the State of Michigan by the United States, to aid in the construction of a military road from Fort Wilkins, Copper Harbor, to the Wisconsin line, by way of Houghton, on Portage Lake, and to provide for the laying out and construction of the same," approved February fourth, eighteen hundred and sixty-four.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of an act entitled "An act to accept the grant of lands made to the State of Michigan by the United States, to aid in construction of a military road from Fort Wilkins, Copper Harbor, to the Wisconsin line, by way of Houghton, on Portage Lake, and to provide for the laying out and construction of the same," approved February fourth, eighteen hundred and sixty-four, be and the same is hereby amended so as to read as follows:

Manner of
constructing
road.

Sec. 3. The said commissioners shall cause the proposed line of said road to be surveyed, and proper grades therefor to be established, and plans and specifications for the necessary bridges, and for contracts for construction to be made, which said road shall be laid out not less than four rods in width, and the road bed constructed not less than twenty feet between the ditches, for that portion of such road upon the mineral range, and not less than sixteen feet between the ditches for the remainder of such road, and in the best manner practicable, and be well grubbed and cleared from stumps, loose stones and boulders, and shall make a report, signed by them or two of them, of such survey, plans, and specifications, with a map of the line of said road, to a board of control, consisting of the Governor, the Secretary of State, the Auditor General, State Treasurer, Attorney General and Commissioner of the State Land Office, who shall have the general supervision and control of the construction of said road, under the provisions of this act, and of which board the Governor shall be the president, and the Secretary of State, or in his absence his deputy, shall

Who to have
supervision
of construction
of road.

be secretary, which report may be made from time to time, as any section of not less than ten miles is agreed upon.

Approved April 3, 1869.

[No. 445.]

AN ACT to authorize the Plymouth Congregational Church of Lansing, to sell and convey their church property.

SECTION 1. *The People of the State of Michigan enact, That* the Plymouth Congregational Church and Society of Lansing ^{Society authorized to sell lot.} be and they are hereby authorized and empowered, whenever directed by a legal vote of said society, to sell and convey lot ten, block one hundred and twenty-eight, in the city of Lansing, Michigan, and to give a deed therefor through its legally elected board of trustees, said lot having been conveyed to said society by the State Board of Auditors, in compliance with act number two hundred and thirty-one, of the session laws of eighteen hundred and forty-eight, and joint resolution number twenty-one, of the session laws of eighteen hundred and sixty-seven: *Provided*, The avails of the sale of said prop- ^{Proviso.} erty shall be used in the purchase of another lot, or in the erection of a new church building for said society.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 446.]

AN ACT to authorize the board of trustees of the village of Newaygo to cause the said village to be re-surveyed and replatted, and to provide for the recording of such survey and plat.

SECTION 1. *The People of the State of Michigan enact, That* the board of trustees of the village of Newaygo be and the same is hereby authorized to cause a re-survey of said village, ^{Re-survey and replat-ting of vil-lage author-ized.} and a re-platting thereof.

Where survey and plat shall be recorded.

Sec. 2. The survey and plat provided for in section one of this act shall be recorded in the office of the register of deeds of the county of Newaygo, and when so recorded shall be held the legal survey and plat of said village: *Provided*, That said survey and plat shall not divest any person or persons of any vested rights acquired before the passage of this act: *And provided further*, That no streets or highways heretofore laid out shall be discontinued, altered or changed thereby.

Proviso.

Sec. 3. This act shall take immediate effect.

Approved April 3, 1869.

[No. 447.]

AN ACT to detach certain lands from the township of China, in the county of St. Clair, and attach the same to the township of East China, in said county.

Territory detached.

SECTION 1. *The People of the State of Michigan enact*, That the north-east quarter of the south-east quarter of section thirteen, and the south-west fractional quarter and south-east fractional quarter of section thirty-six, all in township four north, of range sixteen east, be and the same is hereby detached and set off from the township of China, in the county of St. Clair, and attached to and made part of the township of East China, in said county.

Approved April 3, 1869.

[No. 448.]

AN ACT making an appropriation to complete the south end of the Ionia and Houghton Lake State road.

Swamp land appropriated

SECTION 1. *The People of the State of Michigan enact*, That ten sections of six hundred and forty acres each of State swamp land are hereby appropriated to complete that portion of the Ionia and Houghton Lake State road which lies between the

village of Ionia, in Ionia county, and the village of Stanton, in Montcalm county.

Sec. 2. Said appropriation shall be expended under the supervision of a commissioner to be appointed by the State ^{How appropriation shall be expended} Swamp Land Road Commissioner, and subject to the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine: *Provided*, Said lands are selected from the Lower Peninsula.

Sec. 3. This act shall take immediate effect.

Approved April 5, 1869.

[No. 449.]

AN ACT to provide for the construction of a road from Port Austin, in Huron county, to Unionville, in Tuscola county.

SECTION 1. *The People of the State of Michigan enact*, That ^{Road to be constructed.} there shall be constructed, under the supervision of a commissioner to be appointed by the Swamp Land Road Commissioner, a road from Port Austin, in Huron county, to Unionville, in Tuscola county.

Sec. 2. Said road shall be laid out and constructed under ^{Id.} the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and shall be as near straight as practicable from Wright's corners, near Port Austin, to Unionville.

Sec. 3. There is hereby appropriated an average amount of ^{Swamp land appropriated} one section of six hundred and forty acres of State swamp land to the mile; an additional section of six hundred and forty acres to the mile is hereby appropriated for that part of the road running through township fifteen north, of range ten east: *Provided*, The Swamp Land Road Commissioner shall ^{Provide.} deem said additional section, or any part thereof, necessary.

Sec. 4. No deficiency of State swamp lands, which may now ^{Deficiency of land not to create lien} or hereafter exist, to meet any appropriation made by this act,

shall be so construed as to create any lien, or establish any claim against the State.

Approved April 5, 1869.

[No. 450.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of the completion and extension of the Newaygo and Dayton State road.

Road
extended.

SECTION 1. *The People of the State of Michigan enact, That* the Newaygo and Dayton State road shall be extended nine miles from the north-west corner of the county of Newaygo, on or near the county line between the counties of Mason and Lake; that such road shall be laid out and established on the most feasible route by a commissioner to be appointed by the General Swamp Land Commissioner, or in case of the appointment of assistant commissioners by the Governor, under provisions of an act of this Legislature of eighteen hundred and sixty-nine, then such road may be laid out and established by a commissioner to be appointed by such General Commissioner, and the two assistant commissioners, or by either two of such commissioners.

Where laid
out.

Swamp land
appropriated

Sec. 2. To secure the construction and completion of the said Newaygo and Dayton State road in all respects, as the same is by this act extended, there is hereby appropriated nine sections of State swamp land, from any State swamp lands in the Lower Peninsula not otherwise appropriated.

Deficiency of
swamp land
not to create
lien against
State.

Sec. 3. No deficiency of State swamp lands, which may now or hereafter exist, to meet any appropriation made by this act, shall be so construed as to create any lien, or establish any claim against the State.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 451.]

AN ACT to incorporate the village of Croton.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries.
all that tract of country situate in the township of Croton,
county of Newaygo, in the State of Michigan, which is known
and described as follows, to wit: The south-east quarter of
section seven (7); also, the south-west quarter of section eight
(8); also, the north-west quarter of section seventeen, and the
north-east quarter of section eighteen, in said township of
Croton, and being in township number twelve north, of range
number eleven west, be and the same is hereby made and
constituted a town corporate, by the name, style and title of
the village of Croton.

Sec. 2. The officers of said village shall consist of a presi- Officers;
dent, recorder, treasurer, and three trustees, to be elected by elected and
appointed.
a plurality of votes, by ballot, of the inhabitants of said village
having the qualifications of electors under the constitution of
this State, and shall hold their office for the term of one
year, and until their successors are elected and qualified. And
the common council of said village are hereby authorized and
empowered to appoint such other officers as may be necessary
under the provisions of this act.

Sec. 3. The election of the officers provided for shall be Elections;
held at the Masonic Hall in said village, on the first Mon- when and
where held
day of May, eighteen hundred and sixty-nine, and on the
first Monday of May, annually thereafter, at such place in said
village as the common council thereof may appoint for that
purpose: *Provided*, That the neglect to hold such election at Provided
the time hereinbefore named shall not be deemed to work a
dissolution of said corporation, but in such case it shall and
may be lawful to hold such election at any time thereafter,
pursuant to public notice, which may be given by five qualified
electors of said village, by posting the same, containing a de-
signation of the time and place thereof, in three of the most

public places in said village, at least ten days before such election shall be held.

Judges
and clerk of
election;
duties of.

Sec. 4. At the first election to be held in said village under this act, there shall be chosen by the qualified electors then present, from among their number, *viva voce*, two judges and one clerk of election, who together shall constitute the board of inspectors thereof, each of whom shall, before entering upon the discharge of his duties as such inspector, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof; and at each and every election thereafter to be held in said village under the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder shall be the clerk of said board.

Polls; when
opened and
closed.

Sec. 5. The polls of all elections in said village under this act, shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of said day, except in the discretion of said board they may declare a recess of one hour between twelve o'clock noon and two o'clock in the afternoon. The name of each elector voting at such election shall

Poll list;
contents of.

be written in a poll list, to be kept at such election by the clerk of the board of inspectors thereof. After the close of the polls of such election, the board of inspectors thereof shall proceed, without delay, publicly to canvass the votes given, as is provided by general law for the canvass of votes at township meetings, as relates to the comparison of poll list with number of ballots, drawing lots in case two or more persons receive the same number of votes for the same office, and in all other matters of canvass, so far as the same shall be applicable. Upon

Canvass of
votes.

Certificate
of election.

the completion of such canvass, the board of inspectors present at such election shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, which certificate shall give the whole number of votes cast for each office, for whom

they were given, and the name of the person declared elected to each, either by lot or plurality of votes.

Sec. 6. It shall be the duty of the recorder of said village to give ten days' public notice in writing in three public places in said village of the time and place of holding all elections, both annual and special in said village; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of such election; the recorder of said village shall, within five days after the closing of the polls of any election, notify the officers elected thereat respectively of their election; and each of the officers so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause such oath to be filed with the recorder of said village within ten days from the date of his election.

Recorder to
give notice
of election.

To notify
persons of
their elect'n

Sec. 7. If the qualifications of any person offering to vote at any such election shall be questioned, the same shall be determined by the board of inspectors thereof, upon an examination of such person on his oath, which may be administered by any member of said board; and any person who shall knowingly swear falsely upon any such examination, shall be deemed guilty of perjury, and on conviction thereof shall be liable to the punishment provided for that crime by the laws of this State.

Qualificat'n
of electors;
who to deter-
mine.

Sec. 8. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, with all the powers of township boards, and with all the powers given by the general law for the incorporation of villages of this State, to the boards of trustees or common council of villages, in addition to all special powers of this act, to be known and distinguished by the name and title of the common

Body cor-
porate and
politic.

council of the village of Croton, and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever, of enforcing all the special powers of this act, and of the general act aforesaid for the incorporation of villages by boards of supervisors; and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate necessary for the use and benefit of said corporation.

Council to
appoint
marshal,
street com-
missioner
and other
officers.

Sec. 9. The common council shall have power to appoint a marshal, street commissioner, and such other officers necessary under the provisions of this act, for said village, whose elections are not herein provided for; to require of them such bonds for the faithful performance of their duties as they may deem necessary, and to dismiss them at pleasure; the officers so appointed shall, upon entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

President
and record-
er; duties of

Sec. 10. It shall be the duty of the president to preside at all meetings of the village council, and in case of his absence, the common council may appoint one of their number as president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.

Treasurer
to keep all
moneys.

Sec. 11. It shall be the duty of the treasurer to act as collector of the village; to safely keep all moneys coming into his hands, belonging to the corporation, and to pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office, to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor, and his compensation shall be not

more than three per cent. on moneys of said village passing through his hands, and the same shall be in lieu of all other salary. Compensation of.

Sec. 12. The marshal shall be a police constable, and shall serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as are allowed and paid to constables for similar services, and shall be entitled to the same privileges as are provided for constables in the discharge of their duties by the laws of this State; shall have the general supervision of the village, and see that the laws are enforced; shall have power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon, or any person who has committed a breach of the peace is being secreted or harbored, or where any felony or breach of the peace is being committed; to arrest such offenders, disorderly persons, or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Croton, who shall hear and determine the matter upon proof, as required by law; to compel the citizens to aid in extinguishing fires, and to appoint deputies with powers similar to his own; and for all special duties authorized by this act, the compensation for which is not provided for by the list of constables' fees, he shall receive such compensation as the common council may allow. Marshal to be police constable. Fees of. To enter disorderly houses. To arrest offenders. To compel aid at fires.

Sec. 13. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such bond or security for the faithful discharge of the trust reposed in them as the common council shall direct and require, which bonds, or any other authorized by this act, shall run to the corporation; and suit may be brought for any breach of said bonds in the name of said corporation, as in other cases, before any justice of the peace or circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same. Treasurer and marshal to give bonds

Common
council;
who to con-
stitute.

Sec. 14. The president, recorder and trustees, when qualified and assembled together, shall constitute the common council of the village of Croton, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place in said village as they may from time to time appoint, and they shall have power to impose, levy and collect such fines (not exceeding five dollars for any one offense) as they may deem proper for non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect similar fines for non-attendance.

When shall
meet.

Vacancies;
how filled.

Sec. 15. In case of the death, resignation, or removal of the president, recorder, any of the trustees, or treasurer, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and appoint from the authorized electors of said village, some person to fill the vacancy so created, except, that by reason of such vacancies so created, there be not left a quorum of the common council, in which case the remaining members of the common council shall call a special election, as is provided in section five, to fill vacancies, setting forth in the notices of said election the office vacant.

Inhabitants
liable to
township
laws except
for highways

Sec. 16. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets and highways, and the labor to be performed thereon, within the limits of said village; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village, as they may deem necessary to be performed upon the streets and highways in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways.

Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains, sewers, or other improvements, within the limits of said village, the common council shall give notice thereof to the owners or parties interested, or his, her, or their agent or representative, by personal service, or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of said common council, for the purposes aforesaid; and the said common council are hereby authorized to contract for and purchase such lands of said owner, for the purpose aforesaid; in case such owner or owners refuse to sell or convey such lands or premises for the purposes aforesaid, or the parties fail to agree upon the price of said lands, it shall and may be lawful for said common council to direct the recorder of said village to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, residing within said county, to appear before a justice of the peace in said village, or the justice residing nearest thereto, within the county of Newaygo, at a time to be therein stated, to inquire into the just compensation to be made therefor to the owner or owners, or parties interested in such land and premises; which jury being duly sworn by such justice, faithfully and impartially to inquire into and ascertain and determine the just compensation to be made therefor, and after having reviewed the premises, if necessary, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands or premises, according to their respective estates or interests therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane, alley, drain, sewer or other improvement shall be made, opened, established or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the common

Proceedings
when private
property is
taken.

Notice to
owners.

Summoning
of jury.

Jury to
award
damages.

Compensat'n
tendered to
owner.

Proviso.

council to cause the said lands and premises to be occupied and used for the purpose aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Newaygo, and upon giving notice of his, or her, or their intention so to do, to said justice, in writing, within five days, or, in case such party does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon, as aforesaid, said appellant first giving a bond with two sufficient sureties, to be approved by the justice, conditioned to pay all costs which may be awarded against him or them in said circuit court; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment, as aforesaid, in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal:

Ibid.

Provided, That if the final judgment of said court shall not exceed the damages assessed before said justice at least ten dollars, the party appealing shall pay the cost occasioned by such appeal: *Provided*, That nothing herein contained shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Croton, for the repairing, building, or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damage for which said township may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair: *Provided always*, That all bridges within the limits of said village shall be and remain under the control and supervision of the township of Croton.

Ibid.

Ibid.

Poll and
highway
tax; how
may be col-
lected

Sec. 17. The common council may levy and collect a poll tax not exceeding one day's labor upon each person liable therefor by the laws of this State, and may levy and collect a highway tax upon the real and personal property of said village, not exceeding one day for each one hundred dollars valuation, and

may provide for commutation of poll and highway tax, at any sum not exceeding one dollar for each day's labor assessed, or in their option may assess, levy and collect such poll and highway tax [in money,] at a sum not exceeding one dollar for each poll tax on each one hundred dollars assessed, and may make an ordinance providing for the return of such taxes assessed and unpaid on real estate, occupied or unoccupied, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner as is hereafter provided by this act for the return of other taxes, and sale of lands for the same.

Taxes to be a lien on real estate.

Sec. 18. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, street commissioner, and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine, of all persons occasioning the same; to construct sewers and reservoirs; to regulate the construction of private drains; to license all showmen; to suppress all games of chance and hazard; to compel the owners of buildings to procure and keep in readiness such number of fire-buckets and ladders as they may deem necessary; to compel the owners or occupants of buildings to secure in such manner as the common council may deem safe, all stove-pipes, stove thimbles, chimneys, or other fire liabilities; relative to calling meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to restraining swine, horses, cattle and other animals from running at large in the streets, lanes, alleys and other public places in said village; to construct one or more pounds for the confinement of such animals as are found running at large in said village, and establish fees, fines and penalties to be collected.

Council may pass laws relative to fees of officers.

Levying taxes.

Nuisances.

Sewers.

Fire buckets

Stove-pipes.

Gunpowder.

Pounds.

Fines and penalties. ted or enforced in the execution or for the violation of such by-laws and ordinances.

Grading streets. Sec. 19. The common council of said village shall have full power to make all necessary rules and regulations relative to the grading of any of the streets of said village, and levying

Sidewalks, and manner of constructing. taxes for the same; to order the building of any sidewalks, and to determine the width and grade of the same, and the quality and style of material used, allowing every land owner or occupant of said village to construct his own front of said walk if he shall do so in conformity with the style in all respects ordered by said common council, within sixty days from the date of said order, otherwise the common council may proceed to construct the same, levying the costs thereof upon the land adjoining the same; and the tax so levied shall be collected by distress and sale, or returned as unpaid, and the premises thus returned sold as is hereafter provided for other taxes.

Billiard tables. Sec. 20. The common council shall have power to tax or suppress all billiard tables, and all other gaming tables kept for hire, gain, or reward in said village; also, full power and authority to make all such by-laws and ordinances as they may deem necessary for preventing or suppressing all disorderly or bad houses; for securing said village and the inhabitants thereof against fire; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power and authority to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties and forfeitures on all persons offending against the same.

Liquors. Sec. 21. The common council shall have power to prevent the vending or giving away of intoxicating liquors in any place within said village; to regulate the measuring of fire-wood and the weighing of hay; to appoint a sealer of weights and measures; to prevent and punish immoderate driving in any of the streets of said village; to prevent the incumbering of the

Weights and measures.

streets, sidewalks, alleys, or public grounds; to compel the owners or occupants of lots to clean sidewalks in front of, and adjacent thereto, of snow, ice, dirt, mud, boxes, or any incumbrance; to construct cross-walks, assessing the cost of the same on the property in their judgment immediately benefited; to regulate all grave-yards and places of burial for said village.

Incumbering
of streets.

Sec. 22. The corporation of the village of Croton shall be allowed the use of the common jail of the county of Newaygo for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by the recorder or any justice of the peace for violation of any by-law or ordinance of said common council shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged as in other cases: *Provided*, It shall be competent for said common council to construct and establish a lock-up for said village, in which to temporarily confine all persons in the hands of the marshal for offenses under this act for a less time than ten days.

Corporation
allowed use
of county
jail.

Provido.

Sec. 23. Any justice of the peace of the township of Croton is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offenses which shall be committed within the limits of said village, against any of the by-laws, ordinances or regulations that shall be made, ordained or established by the common council in pursuance of the powers granted to them in this act, and to punish the offenders as the by-laws, ordinances or regulations shall prescribe or direct: *Provided always*, That any person on a charge of violating any of the by-laws, or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Newaygo county.

Justices of
the peace;
powers of.

Provido.

Sec. 24. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, also, the

Annual
statement;
contents of.

public places in said village, at least ten days before such election shall be held.

Judges
and clerk of
election;
duties of.

Sec. 4. At the first election to be held in said village under this act, there shall be chosen by the qualified electors there present, from among their number, *viva voce*, two judges and one clerk of election, who together shall constitute the board of inspectors thereof, each of whom shall, before entering upon the discharge of his duties as such inspector, take an oath before some person authorized to administer oaths, that he will faithfully and impartially discharge the duties thereof. The said board shall conduct the said election and certify the result thereof; and at each and every election thereafter to be held in said village under the provisions of this act, the common council of said village shall be the board of inspectors thereof, and the recorder shall be the clerk of said board.

Polls; when
opened and
closed.

Sec. 5. The polls of all elections in said village under this act, shall be opened at ten o'clock in the forenoon, and shall be continued open until four o'clock in the afternoon of said day, except in the discretion of said board they may declare a recess of one hour between twelve o'clock noon and two o'clock in the

Poll list;
contents of.

afternoon. The name of each elector voting at such election shall be written in a poll list, to be kept at such election by the clerk of the board of inspectors thereof. After the close of the polls of such election, the board of inspectors thereof shall proceed, without delay, publicly to canvass the votes given, as is provided by general law for the canvass of votes at township meetings, as relates to the comparison of poll list with number of ballots, drawing lots in case two or more persons receive the same number of votes for the same office, and in all other matters of canvass, so far as the same shall be applicable. Upon

Canvass of
votes.

Certificate
of election.

the completion of such canvass, the board of inspectors present at such election shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, which certificate shall give the whole number of votes cast for each office, for whom

they were given, and the name of the person declared elected to each, either by lot or plurality of votes.

Sec. 6. It shall be the duty of the recorder of said village to give ten days' public notice in writing in three public places in said village of the time and place of holding all elections, both annual and special in said village; and no person shall be permitted to vote at any such election unless he is possessed of all the qualifications of an elector under the constitution of this State, and shall have been a resident of said village for ten days next immediately preceding the day of such election; the recorder of said village shall, within five days after the closing of the polls of any election, notify the officers elected thereat respectively of their election; and each of the officers so elected and notified shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of this State, and that he will faithfully discharge the duties of his office, and shall cause such oath to be filed with the recorder of said village within ten days from the date of his election.

Recorder to give notice of election.

To notify persons of their elect'n

Sec. 7. If the qualifications of any person offering to vote at any such election shall be questioned, the same shall be determined by the board of inspectors thereof, upon an examination of such person on his oath, which may be administered by any member of said board; and any person who shall knowingly swear falsely upon any such examination, shall be deemed guilty of perjury, and on conviction thereof shall be liable to the punishment provided for that crime by the laws of this State.

Qualificat'n of electors; who to determine.

Sec. 8. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, with all the powers of township boards, and with all the powers given by the general law for the incorporation of villages of this State, to the boards of trustees or common council of villages, in addition to all special powers of this act, to be known and distinguished by the name and title of the common

Body corporate and politic.

council of the village of Croton, and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this State, and any other place whatsoever, of enforcing all the special powers of this act, and of the general act aforesaid for the incorporation of villages by boards of supervisors; and may have a common seal, and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate necessary for the use and benefit of said corporation.

Council to
appoint
marshal,
street com-
missioner
and other
officers.

Sec. 9. The common council shall have power to appoint a marshal, street commissioner, and such other officers necessary under the provisions of this act, for said village, whose elections are not herein provided for; to require of them such bonds for the faithful performance of their duties as they may deem necessary, and to dismiss them at pleasure; the officers so appointed shall, upon entering upon the duties of their office, take and subscribe the oath of office hereinbefore provided for, before the recorder, who is hereby authorized to administer the same.

President
and record-
er; duties of

Sec. 10. It shall be the duty of the president to preside at all meetings of the village council, and in case of his absence, the common council may appoint one of their number as president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings.

Treasurer
to keep all
moneys.

Sec. 11. It shall be the duty of the treasurer to act as collector of the village; to safely keep all moneys coming into his hands, belonging to the corporation, and to pay the same on the order of the recorder, countersigned by the president, and at the expiration of his office, to hand over all moneys remaining in his hands, and all books and papers pertaining to his office, to his successor, and his compensation shall be not

more than three per cent. on moneys of said village passing through his hands, and the same shall be in lieu of all other salary. Compensation of.

Sec. 12. The marshal shall be a police constable, and shall serve any and all papers that may be issued by the recorder or any other officer, by virtue of this act of incorporation, and shall be entitled to demand and receive the same fees as are allowed and paid to constables for similar services, and shall be entitled to the same privileges as are provided for constables in the discharge of their duties by the laws of this State; shall have the general supervision of the village, and see that the laws are enforced; shall have power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon, or any person who has committed a breach of the peace is being secreted or harbored, or where any felony or breach of the peace is being committed; to arrest such offenders, disorderly persons, or felons, and those engaged in unlawful assemblages, and take them before any justice of the peace of the township of Croton, who shall hear and determine the matter upon proof, as required by law; to compel the citizens to aid in extinguishing fires, and to appoint deputies with powers similar to his own; and for all special duties authorized by this act, the compensation for which is not provided for by the list of constables' fees, he shall receive such compensation as the common council may allow. Marshal to be police constable. Fees of. To enter disorderly houses. To arrest offenders. To compel aid at fires.

Sec. 13. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such bond or security for the faithful discharge of the trust reposed in them as the common council shall direct and require, which bonds, or any other authorized by this act, shall run to the corporation; and suit may be brought for any breach of said bonds in the name of said corporation, as in other cases, before any justice of the peace or circuit court of the county, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same. Treasurer and marshal to give bonds

Common
council;
who to con-
stitute.

When shall
meet.

Vacancies;
how filled.

Inhabitants
liable to
township
laws except
for highways

Sec. 14. The president, recorder and trustees, when qualified and assembled together, shall constitute the common council of the village of Croton, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said common council shall hold their meetings at such time and place in said village as they may from time to time appoint, and they shall have power to impose, levy and collect such fines (not exceeding five dollars for any one offense) as they may deem proper for non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officer by them appointed, and to impose and collect similar fines for non-attendance.

Sec. 15. In case of the death, resignation, or removal of the president, recorder, any of the trustees, or treasurer, such death, resignation or removal shall be announced by the president or recorder to the members of the common council, who shall convene as soon as may be, and appoint from the authorized electors of said village, some person to fill the vacancy so created, except, that by reason of such vacancies so created, there be not left a quorum of the common council, in which case the remaining members of the common council shall call a special election, as is provided in section five, to fill vacancies, setting forth in the notices of said election the office vacant.

Sec. 16. The inhabitants of said village shall be liable to the operation of any and all laws relating to township government, except so far as relates to laying out, altering, vacating and constructing streets and highways, and the labor to be performed thereon, within the limits of said village; and the said common council are hereby vested with full power and authority to assess and levy such an amount of labor upon the real and personal property in said village, as they may deem necessary to be performed upon the streets and highways in said village, and for that purpose they are hereby vested with the same power given by law to the commissioners of highways.

Whenever the lands of any person shall be required to be taken for the constructing, widening or extending streets, lanes, alleys, drains, sewers, or other improvements, within the limits of said village, the common council shall give notice thereof to the owners or parties interested, or his, her, or their agent or representative, by personal service, or by written notice posted in at least three public places in said village, three weeks next preceding the meeting of said common council, for the purposes aforesaid; and the said common council are hereby authorized to contract for and purchase such lands of said owner, for the purpose aforesaid; in case such owner or owners refuse to sell or convey such lands or premises for the purposes aforesaid, or the parties fail to agree upon the price of said lands, it shall and may be lawful for said common council to direct the recorder of said village to issue a *venire facias* to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, residing within said county, to appear before a justice of the peace in said village, or the justice residing nearest thereto, within the county of Newaygo, at a time to be therein stated, to inquire into the just compensation to be made therefor to the owner or owners, or parties interested in such land and premises; which jury being duly sworn by such justice, faithfully and impartially to inquire into and ascertain and determine the just compensation to be made therefor, and after having reviewed the premises, if necessary, shall inquire and assess such damages and recompense as they may think proper to award to the owner or owners of such lands or premises, according to their respective estates or interests therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane, alley, drain, sewer or other improvement shall be made, opened, established or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the common

Proceedings
when private
property is
taken.

Notice to
owners.

Summoning
of jury.

Jury to
award
damages.

Compensat'n
tendered to
owner.

Proviso.

council to cause the said lands and premises to be occupied and used for the purpose aforesaid: *Provided*, That any party claiming damages as aforesaid, may have the right to remove such proceedings by appeal to the circuit court for the county of Nawaygo, and upon giving notice of his, or her, or their intention so to do, to said justice, in writing, within five days, or, in case such party does not reside in said village, then within thirty days after the rendition of such verdict, and the judgment thereon, as aforesaid, said appellant first giving a bond with two sufficient sureties, to be approved by the justice, conditioned to pay all costs which may be awarded against him or them in said circuit court; and upon filing a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the verdict and judgment, as aforesaid, in the said circuit court, the same proceedings shall thereafter be had thereon as is prescribed by law in other cases of appeal:

Ibid.

Provided, That if the final judgment of said court shall not exceed the damages assessed before said justice at least ten dollars, the party appealing shall pay the cost occasioned by such appeal: *Provided*, That nothing herein contained

Ibid.

shall be construed to exempt any person or property within said village from any township tax that may be legally levied within and for the township of Croton, for the repairing, building, or rebuilding of any bridge within said township, or for any special expenditure for the laying out, opening, working or improving any highway of said township, or for any damage for which said township may become liable, by reason of any neglect in keeping any bridge or public highway in proper repair: *Provided always*, That all bridges within the limits of said village shall be and remain under the control and supervision of the township of Croton.

Ibid.

Poll and
highway
tax; how
may be col-
lected

Sec. 17. The common council may levy and collect a poll tax not exceeding one day's labor upon each person liable therefor by the laws of this State, and may levy and collect a highway tax upon the real and personal property of said village, not exceeding one day for each one hundred dollars valuation, and

may provide for commutation of poll and highway tax, at any sum not exceeding one dollar for each day's labor assessed, or in their option may assess, levy and collect such poll and highway tax [in money,] at a sum not exceeding one dollar for each poll tax on each one hundred dollars assessed, and may make an ordinance providing for the return of such taxes assessed and unpaid on real estate, occupied or unoccupied, and that such tax shall be a lien on such real estate, and cause the same to be sold in the same manner as is hereafter provided by this act for the return of other taxes, and sale of lands for the same.

Taxes to be a lien on real estate.

Sec. 18. The common council shall have full power and authority to make by-laws and ordinances relative to the duties, powers and fees of the marshal, street commissioner, and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment by fine, of all persons occasioning the same; to construct sewers and reservoirs; to regulate the construction of private drains; to license all showmen; to suppress all games of chance and hazard; to compel the owners of buildings to procure and keep in readiness such number of fire-buckets and ladders as they may deem necessary; to compel the owners or occupants of buildings to secure in such manner as the common council may deem safe, all stove-pipes, stove thimbles, chimneys, or other fire liabilities; relative to calling meetings of the electors of said village; relative to the keeping and sale of gunpowder in said village; relative to restraining swine, horses, cattle and other animals from running at large in the streets, lanes, alleys and other public places in said village; to construct one or more pounds for the confinement of such animals as are found running at large in said village, and establish fees, fines and penalties to be collected.

Council may pass laws relative to fees of officers.

Levying taxes.

Nuisances.

Sewers.

Fire buckets

Stove-pipes.

Gunpowder.

Pounds.

Fines and penalties.

ted or enforced in the execution or for the violation of such by-laws and ordinances.

Grading streets.

Sec. 19. The common council of said village shall have full power to make all necessary rules and regulations relative to the grading of any of the streets of said village, and levying taxes for the same; to order the building of any sidewalks, and to determine the width and grade of the same, and the quality and style of material used, allowing every land owner or occupant of said village to construct his own front of said walk if he shall do so in conformity with the style in all respects ordered by said common council, within sixty days from the date of said order, otherwise the common council may proceed to construct the same, levying the costs thereof upon the land adjoining the same; and the tax so levied shall be collected by distress and sale, or returned as unpaid, and the premises thus returned sold as is hereafter provided for other taxes.

Sidewalks, and manner of constructing.

Billiard tables.

Sec. 20. The common council shall have power to tax or suppress all billiard tables, and all other gaming tables kept for hire, gain, or reward in said village; also, full power and authority to make all such by-laws and ordinances as they may deem necessary for preventing or suppressing all disorderly or bad houses; for securing said village and the inhabitants thereof against fire; for the suppression of riots and gambling, and for the punishment of the same; for the apprehension and punishment of vagrants, drunkards, and idle persons; and they shall have power and authority to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines, penalties and forfeitures on all persons offending against the same.

Disorderly houses.

Riots.

Vagrants.

Liquors.

Sec. 21. The common council shall have power to prevent the vending or giving away of intoxicating liquors in any place within said village; to regulate the measuring of fire-wood and the weighing of hay; to appoint a sealer of weights and measures; to prevent and punish immoderate driving in any of the streets of said village; to prevent the incumbering of the

Weights and measures.

streets, sidewalks, alleys, or public grounds; to compel the owners or occupants of lots to clean sidewalks in front of, and adjacent thereto, of snow, ice, dirt, mud, boxes, or any incumbrance; to construct cross-walks, assessing the cost of the same on the property in their judgment immediately benefited; to regulate all grave-yards and places of burial for said village.

Incumbering
of streets.

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Corporation
allowed use
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jail.

Provided.

Sec. 23. Any justice of the peace of the township of Croton is hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all the offenses which shall be committed within the limits of said village, against any of the by-laws, ordinances or regulations that shall be made, ordained or established by the common council in pursuance of the powers granted to them in this act, and to punish the offenders as the by-laws, ordinances or regulations shall prescribe or direct: *Provided always*, That any person on a charge of violating any of the by-laws, or regulations aforesaid, may demand and have a trial by jury, and either party may appeal to the circuit court of Newaygo county.

Justices of
the peace;
powers of.

Provided.

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Annual
statement;
contents of.

Ibid. disposition thereof; previous to which they shall settle and audit the accounts of the treasurer, marshal, street commissioner, and all other officers and persons having claims against the said village, or accounts with it, and shall make in detail, a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount expended on highways and streets, and all such information as shall be necessary to a full and perfect understanding of all the financial concerns of said village.

Citizens to be competent as jurors, etc.

Sec. 25. In all processes, prosecutions and other proceedings, wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which he has in common with the citizens of said village.

Proviso.

How suits shall be commenced.

Sec. 26. Whenever any action or suit shall be commenced against the corporation, process against said corporation shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder, at least ten days before the return day thereof.

Proviso.

Council authorized to collect poll and other taxes.

Sec. 27. The common council shall have full power and authority to levy and collect a capitation or poll tax, and a highway tax, as hereinbefore provided; also, all taxes for all and every improvement the common council are by this act authorized to make, in the manner provided, or are by the general laws of this State for the incorporation of villages, authorized to make; and also, all taxes on real and personal property (not by general law exempt) within the limits of

said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed, in any one year, one per centum upon the valuation of said real and personal property, exclusive of the sidewalks, highway and poll tax, and tax for the construction of wells or cisterns, and for the construction of a lock-up and pound. And every assessment of taxes lawfully laid and imposed by said common council on any lands, tenements, hereditaments or premises whatsoever, in said village, shall be and remain a lien on such lands, tenements, and hereditaments from the time of making such assessments or imposing such tax, until paid; and the owner or occupants, or parties in interest, respectively, in said real estate, shall be liable, upon demand, to pay every such assessment, or tax to be made as aforesaid. Taxes to remain a lien on property.

Sec. 28. It shall be the duty of the supervisor of said township of Croton, who is hereby constituted *ex officio* assessor of said village, to take the assessment of said village, at the time and in the manner he takes the assessment of said township, in all respects the same, and annex thereto the usual certificate, and file the same in the office of the recorder of said village, on or before the third Monday of May in each year, for which service he may present an account for consideration and allowance, to the common council of said village. Village assessment; how made.

Sec. 29. The common council of said village shall be in session during the usual business hours of Wednesday next succeeding the third Monday of May for the purpose of review of said assessment roll and the hearing of any person considering himself aggrieved by the assessment made by the supervisor as aforesaid. And the common council are hereby authorized, upon sufficient cause shown, to reduce or increase said valuation as assessed; and when so corrected, said common council shall annex a certificate to said assessment roll, to be signed by the president and recorder, that said roll has been revised and corrected by them, which said certificate shall be *prima facie* evidence of the regularity of the assessment of said village. Time for reviewing. Corrections in; when may be made.

Recorder to
make out list
of authoriz'd
taxes.

Sec. 30. It shall be the duty of the recorder of said village, on or before the first Monday of October of each year, to tender to the president a complete statement, in writing, of all the local or general taxes authorized by the common council for the current year, together with all the information necessary to the correct levy of the same.

President to
complete
roll and de-
liver to
treasurer.

Sec. 31. It shall be the duty of the president to spread upon the assessment roll aforesaid all the general and local taxes authorized by the common council of said village, for the current year, in accordance with the by-laws, regulations or ordinances of said common council, and sign and annex to said roll the proper warrant for the collection of the taxes therein levied, and deliver the same to the treasurer of said village, at the time prescribed by law for the delivery of the township tax rolls to the township treasurer, who shall proceed to collect the same in the time allowed by law to township treasurers for the collection of taxes; and if any person shall refuse or neglect to pay the sum or sums at which he or she shall be taxed or assessed as aforesaid, the treasurer is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought in law to pay the same, wherever the same may be found in said county, first giving notice thereof, as is required by law to be given by township treasurers; and in case the goods and chattels distressed shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand; and in case the treasurer shall be unable to collect the taxes aforesaid on any real estate, he shall make a return thereof, with the amount due and unpaid on each description, to the county treasurer of Newaygo county.

Distress
and sale.

Surplus to
be returned
to owner.

Taxes to re-
main a lien
on property

Sec. 32. The taxes so levied for village purposes (whether local or general) shall be and remain a lien upon the property on which the same was levied, in like case, to the same extent, and in like manner as taxes required by law to be levied on property in the several townships of this State are liens upon

such property. And all the provisions of law respecting the return and sale of real estate for the non-payment of taxes for State, county and township purposes, shall apply to the return and sale of real estate for the non-payment of such village taxes, the treasurer of the county of Newaygo being hereby authorized and directed to receive the return of all such taxes, and apply the provisions of the general law to the same.

Sec. 33. The net proceeds of the sales of all real estate delinquent for non-payment of said village taxes shall be paid to the treasurer of said village, by the treasurer of the county of Newaygo, whenever required by the village treasurer; and the net proceeds of all sums paid to the treasurer of the county of Newaygo before sale on account of property within said village, returned delinquent for non-payment of village taxes, shall in like manner be paid to said village treasurer.

Proceeds of sales to be paid to treasurer.

Sec. 34. The common council shall have authority to establish and organize all such fire companies, and hose, and hook and ladder companies, and provide them with engines and other instruments, as shall be necessary to extinguish fires and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; to prevent the erection of buildings in an unsafe manner, and pass all necessary regulations relative to buildings deemed by them unsafe as to risk by fire or otherwise.

Council to organize fire companies.

Sec. 35. No by-law or ordinance of said corporation shall have any effect until the same shall have been, by written or printed notices, posted up in three of the most public places in said village, at least ten days, and an affidavit of said posting, in the manner aforesaid, entered at large upon the records of the corporation, by the recorder, shall be deemed *prima facie* evidence of such posting.

When any ordinance shall take effect.

Sec. 36. This act shall be favorably construed and received as a public act, and copies thereof printed under authority of the Legislature shall be received without further proof.

Public act.

Who eligible
to office.

Sec. 37. No person shall be eligible to any office under this act unless he shall have resided in said village six months next preceding his election, nor unless he shall be entitled to vote therein.

Sec. 38. This act shall take immediate effect.

Approved April 5, 1869.

[No. 452.]

AN ACT to amend and revise an act entitled "An act to revise the charter of the city of Port Huron," approved February fifteenth, eighteen hundred and fifty-nine.

Act amended SECTION 1. *The People of the State of Michigan enact, That* the act entitled "An act to revise the charter of the city of Port Huron," approved February fifteenth, eighteen hundred and fifty-nine, shall be and the same is hereby amended so as to read as follows:

CHAPTER I.

INCORPORATION—CITY AND WARD BOUNDARIES.

Name of
corporation,
etc.

That the corporation heretofore created and now known as "The council and freemen of the city of Port Huron," shall be and continue to be a corporation by the name of "The City of Port Huron," and by this name may sue and be sued, implead and be impleaded, complain and defend in any court of record, and in any other place whatsoever; may have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal or mixed estate for the use of said corporation, either within or without the limits of said city.

City
boundaries.

Sec. 2. The district of country in the county of St. Clair, and State of Michigan, hereinafter particularly described, is hereby constituted and declared to be a city by the name of Port Huron, and subject to the municipal government of said

corporation, said district of country being bounded as follows, ^{ibid.}
 viz: Beginning at a point on the national boundary line, in
 the St. Clair river, directly opposite and in a line with the
 south line of fractional section fifteen, in the township of Port
 Huron, and running thence westerly along said south line of
 said fractional section fifteen, to the east line of section sixteen;
 thence north along said line, and said line extended, to the mid-
 dle of Black river; thence up said Black river to the north-west
 corner of the military reservation; thence easterly on the north
 line of said military reservation to the national boundary line in
 St. Clair river; thence southerly along said boundary line to the
 place of beginning.

Sec. 3. The boundaries of the several wards of this city, ^{ward, boundaries.}
 until the same shall be otherwise established by the common
 council as hereinafter provided, shall be as follows, to wit:
 The first ward shall include all that part of the city north of ^{First ward.}
 the center of Black river, and east of the center line of Huron
 avenue, to where said center line, continued north, would
 intersect the river St. Clair. The second ward shall include all ^{Second ward}
 that part of the city south of the center of Black river, and
 east of the center line of Seventh street, to where said center
 line, continued, would intersect the center line of Military street;
 thence south along the center of said street to the south line of
 the city. The third ward shall include all that part of the city ^{Third ward.}
 north of the center of Black river, and west of the center line
 of Huron avenue, where said center line, continued north,
 intersects St. Clair river. The fourth ward shall include all ^{Fourth ward}
 that part of the city south of the center of Black river, and
 west of the center line of Seventh street, where said center
 line, continued, intersects the center line of Military street;
 thence south along said line to the south line of the city.

CHAPTER II.

OFFICERS, &c.

Officers of
corporation.

Sec. 1. The following officers of the corporation shall be elected at the annual city election, on a general ticket, by the qualified electors of the whole city, viz: Mayor, city clerk, treasurer, street commissioner, and director of the poor. The following officers of the corporation shall be elected at said election, on a ward ticket, in each ward of said city, by the qualified electors thereof: One alderman, one supervisor, one collector, one overseer of highways, one constable. There shall also be elected at the first annual city election, on the general ticket, by the qualified electors of the whole city, and at every third annual election thereafter, a recorder, who shall hold his office for three years, and until his successor is elected and qualified.

Ward
officers.

Recorder.

Appointed
officers.

Sec. 2. The following officers shall be appointed by the common council, at a meeting to be held on the first Monday of May in each year, or at the meeting to which said meeting shall be adjourned, who shall take and subscribe the oath of office, file their official bonds, and enter upon their respective official duties on the second Monday of May, or within ten days after notice of such appointment, viz: city attorney, city marshal, sealer of weights and measures, city surveyor, commissioner of city cemetery, clerk of the recorder's court, and such other officers as may be authorized by resolution of the common council; and if from any cause said council shall fail to make either of such appointments, then such appointment may be made at any subsequent regular meeting of the council.

Sewer com-
missioners.

Sec. 3. There shall also be appointed a board of three sewer commissioners, upon the nomination of the mayor, and who shall appoint a competent engineer; and with his aid, it shall be their duty to propose a plan for constructing sewers and drains for the whole city, having reference, however, to the sewers and drains already constructed; and said board shall have such further powers and duties in respect to the sewers

and drains of said city, as said common council shall, by ordinance, prescribe. Said commissioners shall receive no compensation for their services; shall hold their office for the term of five years, with the exception of the first board, who shall hold their office for the respective terms of three, four and five years, and the respective terms of each shall be determined by lot, under the direction of the city attorney and mayor; and when thus determined, such determination shall be certified by said attorney and mayor, to the common council, and entered upon their journal; and such certificate shall be evidence of their respective terms for which the several members of said board have been elected. It shall be the duty of said engineer, under the direction of said board, to superintend the construction and repair of sewers.

Sec. 4. There shall be four justices of the peace in and for said city, who shall be elected on the general ticket, one at each annual city election, in the same manner, shall hold their offices for the same terms and by the same tenure, possess the same jurisdiction and powers, and be subject to the same duties and liabilities, as provided by the general laws of this State in relation to the election, jurisdiction, powers, duties and liabilities of justices of the peace for townships; and the justices of the peace now in office shall continue to hold their offices for the terms for which they have been elected, and in conformity to the general laws of this State.

Sec. 5. No person shall be elected or appointed to, or shall hold any office under this act, who shall not be, at the time of his election or appointment, and so long as he shall hold such office, a resident elector of said city; and no person shall be elected or appointed to, or shall hold office for any ward of said city, who at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident elector of the ward from and for which he may be elected or appointed. If any person elected or appointed to any office of the corporation, shall cease to be a resident of the city or

of the ward for which he may have been elected or appointed, such office shall thereby be vacated.

Qualifications of attorney and recorder Sec. 6. No person shall be elected to the office of attorney or recorder unless he be at the time of his election a counselor of the supreme court of this State of two years standing.

No defaulter to the city or State to be appointed to office. Sec. 7. No person shall be elected or appointed to any office created by this act, who is now, or at the time of such election or appointment, shall be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which has come into his possession; if any person holding any such office shall become a defaulter while in office, the same shall thereby be vacated.

Defaulter defined.

Must be able to read and write. Sec. 8. No person shall be elected or appointed to any office under this act unless he is able to read and write the English language intelligibly; and if any such person be elected or appointed, the common council shall declare such election and appointment void.

Members of common council not to hold any other office. Sec. 9. No member of the common council shall, after his election, and during the time for which he was elected, or within one year thereafter, be appointed to any office under this act, which shall have been created, or the emoluments of which shall have been increased during such time.

Punishment for bribing members of the common council. Sec. 10. If any person shall offer, directly or indirectly, to a member of the common council, or if any member of the common council shall, directly or indirectly, accept, or agree to accept or receive any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money, or goods and chattels, or any deed or writing containing a conveyance of land, or containing a transfer of any interest in real estate, any valuable contract in force, or any other property or reward whatsoever, in consideration that

such member of the common council will vote affirmatively or ^{Ibid.} negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, or other matter pending or to be brought before the common council, he shall be removed from office, and his office declared vacant by the common council, and both he and the person making such offer as aforesaid, shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison not exceeding one year, or both, at the discretion of the court.

CHAPTER III.

ELECTIONS—WHEN HOLDEN, &C.

Sec. 1. An election shall be held in each ward annually, on ^{Elections.} the first Monday in April, at such place as the council shall appoint, by a notice published at least ten days previous to such election, in at least two newspapers published in said city, or by posting printed notices of the holding of said election in three of the most public places in each ward, at least ten days previous to the election.

Sec. 2. At the first annual election to be holden in said city ^{Aldermen,} after the passage of this act, there shall be elected two aldermen in each ward, one for one year, and one for two years; and the term for which each alderman is to serve, shall be designated on the ballot.

Sec. 3. Every officer appointed or elected under this act, be- ^{Official oath.} fore entering on the duties of his office, shall take and subscribe the following oath of office: "I do solemnly swear (or affirm) that I will support the constitution of the United States and of this State, and that I will faithfully discharge the duties of such office to the best of my ability."

Sec. 4. Officers who are elected at the annual city election, ^{Qualification of officers, etc.} except justices of the peace, shall take and subscribe the oath of office, file their official bonds, and enter upon their duties on

the second Monday of April, or within ten days after notice of election. Officers who are elected or appointed to fill the unexpired portion of a term, shall comply with the requirements of this section as above, within ten days after notice of such election or appointment. Justices of the peace shall qualify under and in pursuance of the general laws of this State regarding justices of the peace.

Common council may discontinue certain offices.

Sec. 5. Any office hereby authorized, but not specially named, may at any time be discontinued by the common council; and if there be an incumbent in such office, such discontinuance shall, on notice thereof, discharge him from the office and a further execution of its duties, and his office be deemed vacant.

Recorder.

Sec. 6. The recorder shall be subject to impeachment and removal from office for crimes and misdemeanors, in the same manner as judicial officers, pursuant to the provisions of the constitution of this State.

Common council may expel members, etc.

Sec. 7. The common council may expel or remove from office any of its own members, or any other officer holding office by election, except the mayor and recorder, for corrupt and willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case the reasons for such expulsion and removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election, shall be expelled or removed by said council, unless first furnished with a copy of the charges, in writing, and allowed to be heard in his defense, with aid of counsel; and for the purposes hereof, the common council shall have power to issue subpoenas, to compel the attendance of witnesses and the production of papers when necessary, and shall proceed within ten days after service of a copy of the charges, unless such hearing shall be adjourned to a time not exceeding thirty days in all, and then at such adjourned meeting to hear and determine upon the merits of the case. If such officer shall neglect to appear and

Reasons to be entered on minutes.

Charges furnished officers.

answer to such charges, his default may be deemed good cause for his removal from office. The mayor shall have power to suspend or remove from office the marshal, deputy marshals, constables, and overseers of highways, or any of them; and in case of such suspension or removal, he shall report the same, with the reasons therefor, to the common council, at its first meeting thereafter.

Sec. 8. Any officer holding office by appointment, may be removed at any time by the common council, without charges or a trial thereof, by a vote of a majority of the aldermen elect.

Sec. 9. Any officer holding office by election, except the recorder, against whom charges shall be preferred, may be suspended from office by a majority vote of all the aldermen elected, until such charges shall be heard and determined; and any officer holding office by appointment may be suspended temporarily from office at any time, by like vote. The mayor may suspend any appointed officer until the next meeting of the common council; in either of which cases the mayor shall appoint some one to fill such office temporarily until the council shall either restore such person to office or fill the vacancy by election.

Sec. 10. In case of expulsion, or removal from office by death, resignation, or permanent disability of any officer, his office shall thereby become vacant, and may be so declared by the common council.

Sec. 11. Resignations of office shall be made to the common council, in writing, and be subject to their approval and acceptance.

Sec. 12. If any office of appointment shall become vacant, the common council may appoint a successor to serve for the unexpired portion of the official term.

Sec. 13. If a vacancy occurs in the office of mayor or alderman more than six months before the time for holding the next succeeding annual city election, the common council shall order a special election to fill such vacancy for the residue of the

official term; if it occurs within six months before the time for holding such annual election, the common council may, in its discretion, order a special election to fill such vacancy for the residue of the official term.

Vacancy in
elective
offices; how
filled.

Sec. 14. If a vacancy occurs in any elective office other than mayor, recorder or alderman, the common council shall appoint some person eligible under this act, to serve in such office until the next annual election, when the vacancy shall be filled for the residue of the official term.

Officers to
give bonds.

Sec. 15. The treasurer, clerk, attorney, collectors, marshal, street commissioner and constables shall, respectively, before they enter upon the duties of their respective offices, and such other officers as the common council may direct, file in the clerk's office an official bond in such sum, and with such sureties as the common council shall direct and approve.

Condition of.

Sec. 16. The official bond of every officer shall be conditioned that he will faithfully perform the duties of his office, and will, on demand, deliver over to his successor in office, or other proper officer or agent of the corporation, all books, papers, moneys, effects, property belonging to the corporation or appertaining to his office, which may be in his custody as an officer; and such bond may be further conditioned as the common council shall prescribe. The official bond of every officer whose duty it may be to receive and pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the corporation, or any proper officer or agent thereof, all moneys received by him as such officer.

Sureties.

Sec. 17. Every person elected to the office of constable in said city, before entering upon the duties of his office, shall, with two or more sureties to be approved by the common council, execute and file with the city clerk a bond to the city of Port Huron, in the penal sum of two thousand dollars, or an instrument in writing, conditioned well and faithfully in all things to execute and perform the duties of his office during the continuance therein, and to pay to each and every person

who may be entitled thereto, all sums of money which said constable may become liable to pay on account of any execution or process for the collection of money which shall be delivered to him, and further conditioned as the common council may prescribe.

Sec. 18. The common council may at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds, in the same or in such further sums, and with new or such further sureties, as said council may deem requisite for the interest of the corporation.

Sec. 19. The clerk of the city shall cause every officer, whether elected or appointed, as soon as practicable after his election or appointment, to be served with a notice thereof, and of the amount of his official bond; and if such officer shall neglect to take and subscribe his oath of office, or to file his required official bond within the time prescribed therefor by this act, or if any officer required to execute and file a new official bond, as provided in the preceding section, shall not comply with such requirement within ten days after notice thereof from the city clerk, the common council may declare the office, in such case, vacant, and such vacancy may be filled as heretofore provided in this act.

Sec. 20. The common council, or such officer as the common council shall, by resolution or ordinance prescribe, may examine into the sufficiency of the proposed sureties in any official bond or instrument in writing required by this act, or in any contract in writing to which the corporation or any officer or board under this act shall be a party in interest, and may require such sureties to submit to an examination under oath as to their property and responsibility. The deposition of the surety shall be reduced to writing, be signed by him, be certified by the person taking the same, and annexed to and filed with the instrument in writing to which it relates.

Sec. 21. The clerk of the city shall report the name of any person elected or appointed to any office, who shall have neglected to file his official bond and oath of office, as required by

this act, to the common council at its next meeting after such default.

CHAPTER IV.

OF ELECTIONS, ELECTORS, &C.

Elections.

Sec. 1. The annual city election shall be held at such places in the several wards as shall be designated by the common council at least ten days previous thereto; notice of which, specifying also the officers to be elected and the time for opening and closing the polls, shall be given as hereinbefore directed. The time and places for holding a special election shall be designated, and the notice thereof given in the same manner and to the same effect. The time and place, and the officers who shall preside as inspectors of election in the third ward and in the fourth ward, at the first election under this act, shall be designated by the common council.

Election districts.

Sec. 2. Each ward shall be an election district; every elector shall vote in the ward in which he resides, and the residence of an elector, under this act, shall be the ward in which he takes his regular meals.

Inspectors of election.

Sec. 3. At every election, the inspectors of election for the ward in which such election may be held, shall consist of the supervisor, who shall be chairman, and the two aldermen of the ward; and if from any cause either the said supervisor or both said aldermen shall fail to attend any such election, his or their places may be supplied, for the purposes of such election, by the electors present, who shall elect any of their number, *viva voce*. Said inspectors, before entering upon their duties, shall each take the same oath of office prescribed for other officers under this act.

Clerks of election.

Sec. 4. The inspectors in each ward, before the opening of the polls, shall appoint two competent clerks of the election, who shall take the same oath as the inspectors, which oath either of the inspectors may administer.

Sec. 5. Two suitable ballot boxes, with locks and keys, shall Ballot boxes. be provided and kept by the city clerk, at the expense of the city, for each ward; and it shall be the duty of the city clerk to deposit such boxes, or one of them only, when no more than one is required, with the keys or key, in the hands of the inspectors of each ward, prior to the opening of the polls.

Sec. 6. The polls of election shall be opened at eight o'clock Polls; when opened and closed. in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until four o'clock in the afternoon of the same day, and no longer.

Sec. 7. The qualifications of electors under this act shall be Qualifications of electors. those described in the first section of the seventh article of the constitution of this State.

Sec. 8. The manner of conducting and voting at elections to Manner of conducting election. be held under this act, the keeping of the poll lists, canvassing of the votes, certifying the returns, and all other proceedings connected with such elections, shall be the same, as nearly as may be, as is now or hereafter may be provided for by the laws of this State, applicable to general State elections, except as may be otherwise provided in this act.

Sec. 9. Immediately after the closing of the polls, the in- Canvass of votes. spectors of election shall forthwith publicly canvass the votes received by them, and declare the result; and they shall certify a full and true return thereof, under their hands, to the clerk of the city, carefully sealed up, together with the poll lists and ballots, within forty-eight hours after the closing of the polls; and the inspectors of election, or a majority of them shall, on the Thursday next after election, at four o'clock in the afternoon, meet at the common council room and proceed to open and canvass the said returns, and declare the result of the election.

Sec. 10. Special elections shall be conducted, as near as may Special elections. be, in the same manner as general elections; but in such cases the return of the inspectors shall be opened and canvassed, and the result declared by the common council at its first meeting after the making of said returns.

Filling
vacancies.

Sec. 11. If any person be voted for at any election to fill a vacancy or residue of a term, the ballots of the electors shall designate such vacancy or residue.

Plurality.

Sec. 12. In the canvass of the votes, any person who has received a plurality of the votes for any office shall be declared duly elected to such office.

Tie; how
decided.

Sec. 13. When two or more persons shall have an equal number of votes for the same office, the two candidates having the highest number of votes shall draw lots for said office, according to the usual manner of drawing lots under the general laws of this State.

Other
elections.

Sec. 14. The mode of conducting all State, district and county elections in said city, shall be in the manner herein provided for the election of city officers, except that the returns shall be made to the county clerk, and the same proceedings had, as near as may be, as are now or may hereafter be provided by law for the return of votes by township inspectors of election.

Voters not
liable to ar-
rest on civil
process.
Present offi-
cers; terms
of office.

Sec. 15. No person entitled to vote at any election under this act, shall be arrested on civil process within said city on the day on which such election is held. All officers now holding office by election in said city, which are made elective by the people under this act, shall continue to hold their respective offices until their successors are elected and qualified.

Expenses of
election;
how paid.

Sec. 16. The expenses of any election to be held in pursuance of this act, shall be city charges, and defrayed in the same manner as the other contingent expenses of the city.

Official
terms.

Sec. 17. Any person elected to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified. And when a person is elected to fill a vacancy in an elective office, he shall hold the same only during the unexpired portion of the regular term limited to such office, and until his successor shall be elected and qualified.

CHAPTER V.

POWERS AND DUTIES OF OFFICERS.

Sec. 1. The mayor shall be chief executive officer of the ^{Mayor;} city of Port Huron, and conservator of the peace. It shall ^{powers and} be his duty to keep an office in some convenient place in said ^{duties of.} city, to be provided by the common council; to see that all officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed; and he shall have power, in his discretion, to report to the common council any violation thereof. He shall, from time to time, give to the common council such information, and recommend such measures as he shall deem necessary or expedient.

Sec. 2. The mayor shall be paid such salary as the common ^{Salary of.} council may prescribe. In case of a vacancy in the office of ^{President} mayor, or of his being unable to perform the duties of his ^{pro tem. to} office by reason of sickness, absence from the city, or other ^{act in ab-} cause, the president of the common council ^{sence of the} *pro tempore* shall ^{mayor.} be acting mayor; and such acting mayor shall be vested with all the powers, and shall perform all the duties of mayor, until the vacancy or vacancies aforesaid be filled, or the mayor shall resume his office.

Sec. 3. The clerk of the city shall keep the corporate seal, ^{Clerk;} and all papers filed in and pertaining to his office, and shall ^{powers and} be clerk of the common council, and shall attend its meetings, ^{duties of.} and shall make and preserve a record of all its ordinances, resolutions, and other proceedings, in proper books to be provided therefor; and when requested, shall duly certify, under the corporate seal, copies thereof, and of all papers duly filed in his office pertaining to the same, and shall possess and exercise the powers of township clerks. He shall receive all ^{To receive all} accounts and demands against the corporation, examine them ^{acc'ts ag'nst} in detail, audit and allow them, or such parts thereof, as to ^{city.} the correctness of which he has no doubt, and which the claim-

To register
claims.

ant is willing to accept in full discharge thereof, file and number them as vouchers, in the order of their allowance, register them with the amount allowed, and date of allowance, in the same order, in a proper book provided for such purpose; and on their being properly discharged in writing, to draw and sign his warrant therefor upon the treasurer. When the same is ordered to be paid by the common council, if he shall have any doubt concerning their correctness, he shall register them in a separate list, and return them to the common council with his objections; if the same be allowed by the common council, he shall then file and register them in the lists of allowed claims in the same manner as above provided for the registering of claims audited and allowed by him; and on their being properly discharged, in writing, shall draw and sign his war-

To furnish
schedule
to council

rant therefor on the treasurer. It shall also be the duty of the city clerk, once in each year, in the month of November, or oftener, if directed by the common council, to furnish a schedule of all accounts audited and allowed by him. It shall also be the duty of the city clerk to make out the tax rolls of the

To examine
returns of
city officers.

city; to examine the returns of the city officers, and take the general supervision of the financial concerns of the corporation; to keep a complete set of books exhibiting the financial condition of the corporation in its various departments and funds, its resources and liabilities, with a proper classification thereof, and each fund or appropriation for any distinct object of expenditure or class of expenditures. When any such fund or appropriation has been exhausted, or warrants already drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for, and to be paid out of such fund or appropriation, the clerk shall advise the com-

To open
account with
treasurer.

mon council thereof at its next meeting. He shall also open an account with the treasurer, in which he shall charge said treasurer with the whole amount of taxes, general and special, levied in said city, and also the whole amount in detail of all assets of whatever nature, belonging to the city or receivable by it, in order that the value and description of all personal

property belonging to the corporation may at any time be known. He shall also keep a list of all property, real, personal and mixed, belonging to the corporation, and of all its debts and liabilities, in order that the amount of the money and liabilities of the corporation may at any time be known, in his office. He shall also perform such other duties as are prescribed by this act, or may be, by the common council, subject to the provisions hereof. He shall also open accounts with the treasurer, in which he shall charge him with all moneys appropriated, raised or received, for each of the several funds of the corporation, and credit him for all warrants drawn thereon, keeping a separate account of credit and debit for each fund, charging every warrant drawn to the account of the particular fund constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at the city clerk's office when each fund has been or may be exhausted, and what balance, if any, may remain therein.

To keep list
of all prop-
erty.

To charge
treasurer
with all
moneys,
etc.

Sec. 4. The recorder, and the clerk of the recorder's court, shall possess and exercise the powers and duties elsewhere prescribed in this act.

Recorder
and his clerk

Sec. 5. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the corporation. He shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and on a warrant signed by the city clerk and countersigned by the mayor, which shall specify the purpose for which the amount is to be paid. He shall keep an accurate account of and be charged with all moneys appropriated, raised or received for each fund of the corporation, shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the city clerk.

Treasurer;
duties of.

To keep
account of
all moneys.

To make annual exhibit to council of receipts and disbursements

To report to clerk monthly.

Street commissioner; duty of.

Duty of overseer of the poor and constables.

City attorney; duties of.

Marshal; powers and duties of.

He shall exhibit to the common council, annually, and as often and for such period as may be required, a full account of all receipts and disbursements, since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such disbursements are made; shall report to the city clerk, at the end of each month, the amount received and credited by him to each fund, and on what account received; and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the city clerk.

Sec. 6. The street commissioner shall perform such duties relating to streets, sidewalks, lanes, alleys, and public grounds as the common council shall from time to time ordain or direct.

Sec. 7. The director of the poor and constables shall have the powers, and perform the duties of director of the poor and constables of townships elected under the general laws of this State, subject to the provisions of this act.

Sec. 8. The city attorney shall appear in and conduct all suits, prosecutions and proceedings in the recorder's court to which the city of Port Huron is a party, subject to the rules and practice of said court; and if the same be removed to any other tribunal by writ of error or otherwise, he shall conduct the case before such tribunal.

Sec. 9. The marshal shall possess and exercise the powers and duties as a conservator of the peace, which township constables under the general laws of this State possess and may exercise, and shall possess and exercise such other powers and duties as shall be prescribed by the common council for the preservation of the public peace; and shall possess and exercise the same powers and duties for the service and execution of all writs, process and warrants issuing out of the recorder's court, in cases arising under the ordinances of the city which sheriffs now have, or may have by law for the service and execution of writs and process issuing from the circuit courts of this State. He shall obey and execute all lawful precepts and

commands of said common council, and of said recorder's court; shall attend the sittings of said court, and he, or one of his deputies, shall attend the meetings of said common council. The marshal shall be *ex officio* collector of the city taxes.

Sec. 10. Assistant marshals shall have and exercise the same duties as the marshal. Assistant marshals.

Sec. 11. The city clerk shall be the sealer of weights and measures for the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights and measures, and the laws of this State relating to the sealing of weights and measures shall apply to this city, until otherwise ordered by the common council. Sealer of weights and measures.

Sec. 12. The surveyor shall have power, and it shall be his duty to survey within the corporation limits, and shall have the same power, within said limits, as are now or may hereafter be given by law to county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are or may hereafter be given by law to the official acts, surveys and plats of county surveyors. He shall make out the assessment rolls for paving, for side and cross-walks, for lateral sewers, and for all other special assessments, and shall survey for the city. Surveyor; duties of.

Sec. 13. The commissioner of the city cemetery shall have the care of the cemetery heretofore donated to the township of Port Huron, out of the military reservation of Fort Gratiot, and of all the grounds and other property belonging thereto, subject to the ordinance and direction of the common council; he shall make such improvements upon the property as the common council may direct, and shall receive such pecuniary compensation for his services as the common council shall allow. Said commissioner shall, as often as required by the common council, report to them the amount expended by him in said improvements. Commissioners of city cemetery; duty of.

Sec. 14. The assessor shall assess all the property liable to assessment, for the purpose of levying the taxes lawfully im- Assessor; duties of

posed thereon, as hereinafter more particularly provided; the assessor shall also prepare and return a list of persons to serve as jurors, as hereinafter provided in this act.

Overseers
of highways;
duties of.

Sec. 15. The overseers of highways for each ward shall, under the superintendence and control of the common council, work and improve the streets, highways, lanes, alleys and public places of said city in the ward for which he is elected, and shall render a true account of the expenses thereof, under oath, to the city clerk, and shall also perform such other duties relating to streets, sidewalks, lanes, alleys and public places, as the common council may direct.

Clerk of
recorder's
court; duties
of.

Sec. 16. The clerk of the recorder's court shall have and exercise all the powers, perform all the duties, and be subject to the same liabilities as are by the general laws of this State, so far as respects civil actions in the recorder's court, as are in like cases made and provided for clerks of circuit courts.

Officers to
deliver to
their suc-
cessors all
books, etc.

Sec. 17. Whenever any officer shall resign, or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision, shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State now or hereafter in force, and applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of the State.

Additional
duties of
officers

Sec. 19. [18.] In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient, and shall prescribe by ordinance or resolution.

Sec. 20. [19.] The mayor, recorder, and members of the common council, city clerk, and clerk of the recorder's court, are hereby authorized, generally, to administer oaths and take affidavits. The city clerk shall have the power to take acknowledgments of deeds, under the laws of this State.

CHAPTER VI.

POWERS AND DUTIES OF COMMON COUNCIL.

Sec. 1. The mayor and the aldermen of the city shall constitute the common council thereof, a majority of whom shall be a quorum for the transaction of business, but a smaller number may adjourn from day to day. The clerk of the city shall be the clerk of the common council.

Sec. 2. The mayor shall be *ex officio* president of the common council. The common council shall, at its first regular annual meeting, or at some subsequent meeting, elect one of the aldermen as president *pro tempore*, who shall for that year, in the absence or disability to act, of the mayor, act as and have all the powers of mayor of said city. If at any meeting both the mayor and such president *pro tempore* shall be absent, then the aldermen present may elect a president for that meeting, who shall have all the powers of the mayor for that meeting. The mayor elect shall have a vote only in case of a tie, when his vote shall determine the pending question.

Sec. 3. The common council shall hold regular sessions at such times and places as they shall, by ordinance or resolution direct, and may adjourn regular sessions from time to time, as may be deemed expedient.

Sec. 4. Special meetings of the common council may be called at any time by the mayor; or, if one-third of all the aldermen elect shall, in writing, request the mayor to call a special meeting, stating therein the time and objects thereof, and he shall refuse or neglect for twenty-four hours to call such meeting, a copy of such request to the mayor shall be filed with the clerk of the city, with the certificate of an alder-

Told. man endorsed thereon, showing the presentation thereof to the mayor, and the refusal or neglect of either as aforesaid, and thereupon such special meeting shall be held; and the clerk of the city shall cause notice of the time and place thereof to be served on each of the members of the common council personally, or by leaving the same at their usual place of abode; and the proceedings of said meeting shall be limited to the object thereof, as set forth in such request to the mayor, or in his absence, to the recorder. Special meetings may be adjourned from time to time, as may be deemed necessary, in order to dispose of the business which they are called to consider.

Ordinances,
etc., to be
deposited
with clerk.

Sec. 5. All ordinances, resolutions, and written proceedings of the common council shall be deposited in the office of the clerk of the city, who shall safely keep the same, and they shall be recorded in proper books to be provided therefor. He shall keep a journal record of the proceedings of the common council, and also a record of every ordinance enacted, which record shall be signed by the clerk and by the presiding officer of the common council.

Proceedings
to be pub-
lished.

Sec. 6. All proceedings of the common council shall be published in some newspaper published in said city. All ordinances shall be published twice in one or more newspapers published in said city, and shall take effect in fourteen days after their enactment: *Provided however*, That the common council may fix and prescribe therein a different period, and that no ordinance shall take effect before at least one publication thereof. The record of every ordinance shall be presumptive evidence of its due publication.

Proviso.

Style of
ordinances.

Sec. 7. The style of ordinances shall be: "It is hereby ordered by the common council of the city of Port Huron."

Meetings to
be public.

Sec. 8. All meetings of the common council shall be public, and its proceedings and records shall be open to public inspection at reasonable times.

Right of
petition.

Sec. 9. The inhabitants of said city shall have the right to petition the common council.

Sec. 10. The common council shall be the judge of the election and qualifications of its own members, and shall have the power to determine contested elections; to compel the attendance of absent members; to determine the rules of its proceedings, and enact by-laws and rules necessary and convenient for the transaction of business and not inconsistent with the provisions of this act.

Common council to judge of qualification of its members.

Sec. 11. The common council shall have the general management and control of the finances, and all the property belonging to the corporation, with full power to lease, sell, convey, transfer and dispose of the same absolutely; and shall have power to make all necessary regulations for preserving and protecting the same from destruction, decay or injury, and concerning the management thereof.

To have control of public property.

Sec. 12. No resolution, ordinance or proceeding of the common council imposing taxes or assessments, or requiring the payment, expenditure or disposal of money or property, or creating a debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced unless by unanimous consent, or at a special meeting called therefor; and every such ordinance, resolution or proceeding shall be passed by yeas and nays, to be entered on the record; and upon the demand of one-fourth of the members present, the yeas and nays shall be taken on any question, and entered on the record.

Ordinances, etc., how passed.

Sec. 13. No alderman shall vote on any question in which he is individually interested; on all other questions every alderman present shall vote. In all cases of a tie vote the presiding officer shall give the casting vote. The city clerk shall have no vote.

Members not to vote on questions in which they are interested

Sec. 14. All appointments to office shall be made by a majority vote of all the common council elect; all removals from office shall be made by the like vote, except in cases where, by this act, a different vote may be required.

Appointments and removals.

Sec. 15. The mayor, or in his absence the president *pro tempore*, shall appoint such committees as the common council

Committees.

may deem necessary. The duties of standing committees shall be prescribed by general ordinance.

Oaths administered, etc.

Sec. 16. The chairman of any committee, and the members of any board established under this act, may administer oaths and take affidavits in respect to any matter pending before such committee or board. Such committees or board shall have power to subpoena witnesses, to compel their attendance and the production of necessary papers in all examinations pending before them, and to that end the common council may prescribe and regulate the necessary proceedings, and confer upon the marshal or other officers of the corporation all needful powers for the purposes aforesaid.

Jurisdiction and powers of common council.

Sec. 17. The common council, in addition to its powers under this act, and subject to and consistently with its provisions, shall have powers within and jurisdiction of the corporation:

To determine and regulate compensations.

First. To determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided. The salary of no officer shall be increased during the term of his office, unless by a two-thirds vote of the common council;

To regulate elections.

Second. To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act;

Fees of officers.

Third. To authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council may deem reasonable;

Fees of witnesses, etc.

Fourth. To fix and regulate the fees of jurors and witnesses in any proceeding under this act, or under any ordinance of the common council;

To preserve the purity of the waters.

Fifth. To provide for and preserve the purity of the waters of the St. Clair river, and of the Black river, and all other streams within the limits of the said city; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of the said rivers within the limits of said city; to prohibit or prevent the depositing or

keeping therein any structure, booms, logs, rafts of logs, timber, lumber, or of timber and lumber, earth, or substances tending in any manner to obstruct or impair the navigation thereof, and to remove all obstructions that may at any time occur therein, and to direct and regulate the stationing and mooring of boats, vessels and rafts, and laying out cargoes and ballast from such boats and vessels, and to cause all rafts of logs, timber, lumber, or other obstructions, to be removed at the expense of the owners thereof, and may cause such rafts of logs, lumber, timber, &c., to be seized and held, to be sold, or so much thereof as shall be sufficient to satisfy the costs of such removal, and the expenses of such sale, and the amount of any fine or penalty imposed by the ordinances or by-laws of said city for any such obstruction; and for the purpose of carrying into effect the provisions of this section, the common council shall have power to declare Indian creek, in said city, a sewer, and make all needful regulations for the same;

Sixth. To license, continue and regulate so many ferries, from within said city to the opposite shore of St. Clair river, as shall seem most conducive to the public good; To license ferries.

Seventh. To erect, repair and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the St. Clair river, and into Black river, beyond a certain line, to be established by the common council, and to prohibit the incumbering of all public wharves and docks with any thing whatsoever; Wharves and docks.

Eighth. To lease the wharves and wharfing privileges at the ends of streets on the St. Clair and Black rivers in said city, upon such terms and conditions, and under such covenants, and with such remedies, in case of non-performance, as the common council may direct; but no buildings shall be erected thereon, no lease thereof shall be executed for a longer period than three years; and there shall be a free passage at all times for all persons, with their baggage, over said public wharves; Leasing of wharves and docks.

- Highways.** *Ninth.* To work and improve all highways, avenues, streets, lanes, alleys and public spaces within said city; to assess and levy upon all taxable property within said city, and expend such highway taxes as may be necessary therefor, and to elect whether the same shall be collected in money or labor, in such amount as the common council shall prescribe for each ward respectively: *Provided,* Such highway taxes shall not in amount exceed the rates now fixed by law; and the same shall be assessed, and levied and collected as other taxes;
- Parks.** *Tenth.* To make, grade, improve and adorn the public parks, squares, spaces, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof;
- Streets, etc.** *Eleventh.* To establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, avenues, lanes, alleys and public grounds or spaces within said city, and to grade, pave, repair, and otherwise improve the highways, streets, avenues, lanes, alleys, interior public places created by the intersection of streets, cross-walks and sidewalks in said city, with stone, wood, brick, or other material; and the common council shall have full power to provide for paying the costs and expenses thereof by assessment on the owner of the lot and premises in front of or adjacent to which such highways, streets, avenues, lanes, alleys, interior public places, cross-walks or sidewalks may be directed to be graded, paved, repaired or otherwise improved: *Provided,* That the costs of such grading, paving, repairing or improving such interior or public places shall be assessed to each block, in such proportion as the common council shall deem just and equitable: *Provided further,* That each block shall be assessed to the center of such interior or public places each way; which assessment shall be a lien until paid, on each lot or premises in front of or adjacent to which such grading, paving, repairing or improving may be directed, and shall be collected in the same manner as other assessments or
- To assess expenses on lots benefited**
- Provided.**
- Ibid.**

taxes imposed by authority of the common council. Whenever such grading, paving, repairing or improving shall be at the intersection of two or more avenues or streets, and in front of or adjacent the point of a triangular block, and at the end of bridges, such portion of the costs and expenses shall be assessed to and paid by the city of Port Huron, as the common council shall deem just. The common council shall have power to regulate the width of sidewalks, and the distance that ornamental or shade trees shall be set out in front of lots;

When expenses to be assessed to city.

Twelfth. To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same;

Disposing of dirt, etc.

Thirteenth. To clean the highways, streets, avenues, lanes, alleys, public grounds and squares, cross-walks and sidewalks in said city, of filth, mud, and other substances; to prohibit and prevent the incumbering thereof by any commodity or substance whatever, obstructing the free use of the same, and to remove the same therefrom; to prevent the exhibition of signs on canvass or otherwise in and upon any vehicle standing or traveling upon the streets of said city; to control, prescribe and regulate the mode of constructing or suspending awnings, and the exhibition and suspension of signs thereon; to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto of snow, ice, boxes, and every species of incumbrance or obstruction thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used and enjoyed; to direct, regulate and compel the planting and provide for the preservation of ornamental trees therein; to provide for and regulate the lighting of the said city, and the erection of lamps and lamp-posts therein; to prohibit and prevent racing, and fast and dangerous driving and riding therein; to prohibit and prevent the flying of kites, and

Cleaning of streets, etc.

Obstructions on walks.

Shade trees.

Fast driving.

all practices, amusements and doings therein having a tendency to frighten teams or horses, or dangerous to life or property; to remove, or cause to be removed, all walls or other structures that may be liable to fall therein or otherwise, so as to endanger life or property;

Prohibiting
riots, etc.

Fourteenth. To prohibit and prevent any riot, rout, disorderly noise, disturbance or assemblage, or the crying of any goods, in the streets or elsewhere in the city;

Preservation
of good
order.

Fifteenth. To preserve quiet and order on the docks, and in the streets of said city, at the arrival and departure of railroad cars, steamboats and other vessels, and prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels, public houses or express companies, draymen, cabmen, hackmen, omnibus drivers, and solicitors for passengers or for baggage, with their drays, cabs or other vehicles shall stand, and to prohibit and prevent them from entering or driving within any railroad depot, or upon any wharf or dock, or entering upon any steamboat or other vessel, to solicit passengers, or for baggage;

Regulation
of hack
stands, etc.

Sixteenth. To prescribe places or stands in the streets of said city within which drays, carts, cabs or other vehicles may stand and be kept for hire, and within which loads of hay, coal, wood, and other articles may be kept and exhibited for sale, and to regulate such stands and places;

Prevention
of exhibition
of fireworks,
etc.

Seventeenth. To prohibit and prevent the exhibition of fireworks, and the firing of any cannon or other arms which the common council may deem dangerous to life or property;

Paving of
streets.

Eighteenth. To permit any person to pave or plank the sidewalks in front of the premises owned and occupied by such person in said city, under the direction of the street commissioner, or some other officer of the corporation, and according to such regulations as the common council shall prescribe; and whenever any street shall have been graded, (graveled,) planked, McAdamized or paved, and the assessment for the costs and expenses thereof has been duly paid to the corpora-

tion, such person shall not be assessed or compelled to pay any district, road or highway taxes on the premises in front of which such pavement shall have been made, so long as he shall keep the same in repair to the satisfaction of the common council;

Nineteenth. To prohibit and prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;

Prevention of immoral exhibitions, etc.

Twentieth. To prohibit, prevent or regulate the leading and driving and running at large of cattle, horses, or any other animals, and domestic fowls, in the streets or elsewhere in said city, and to impound the same when running at large, in one or more sufficient pounds, to be provided and maintained by the city, and sell the same to pay the costs of proceedings, and any penalty thereby incurred, rendering the surplus, if any, to the owner;

Prevention of cattle, etc. running at large.

Twenty-first. To prohibit and prevent, or regulate the running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of the common council; to compel persons to fasten or secure their horses, or other animals, attached to vehicles or otherwise, while standing or remaining in the streets or other public places of said city; to prohibit and prevent persons from riding or driving upon or across the sidewalks of said city, and to impose a tax on dogs;

Prevention of dogs running at large

Twenty-second. To establish, construct, maintain and repair, enlarge and discontinue, within the highways, streets, avenues, lanes, alleys and public places of said city, such bridges, culverts, sewers, drains, and lateral drains and sewers, as the common council may see fit, with a view to the proper sewerage and drainage of said city; to compel the owners of all lots, premises and subdivisions thereof within said city, to construct private drains or sewers therefrom, to connect with some public drains or sewers; said private drains and sewers shall be

constructed in such manner, and of such forms and dimensions, and under such regulations as the common council shall direct and prescribe;

Levying and
collection of
taxes.

Twenty-third. To assess, levy and collect the annual assessment or tax on all lots and subdivisions of lots, and on all cellars, drained by private drains or sewers connected with any public sewer or drain, as hereinafter further provided;

Boundaries
of streets.

Twenty-fourth. To survey, ascertain, establish and change the boundaries of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit and remove all encroachments on the same by buildings, fences, or in any other manner, and to number the buildings of the said city, if the common council shall so direct, the expense of such numbering to be assessed against and collected of the owner or occupant;

Drainage.

Twenty-fifth. To provide for the drainage of any wet lands within said city, or within three miles therefrom, by the opening of ditches; but a jury of six disinterested freeholders of the county of St. Clair, before any such ditch shall be opened shall ascertain that the opening thereof be necessary or proper; also, whether the benefits that shall accrue to the owner or owners of any lands from the opening of the ditch will or will not be equal to the damage he or they will sustain thereby; if such benefits are exceeded by the damages, they shall ascertain and certify the damages to which such owner or owners are entitled, after deducting therefrom the amount of benefit their lands will receive from the opening of said ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements to cut and open said ditch, to protect, clear and scour it from time to time so as to preserve its original dimensions, and to prevent and prohibit all obstruction thereof, or injury thereto;

Markets.

Twenty-sixth. To erect and maintain market-houses, establish markets, market places, to lease market stalls, booths and

stands, to provide fully for the good government or regulation thereof, and to prohibit and prevent and punish forestalling and regrating;

Twenty-seventh. To provide for the general preservation of ^{Public health.} health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases generally; and if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties;

Twenty-eighth. To prevent, prohibit, abate and remove all ^{Nuisances.} nuisances in said city, or within the distance therefrom of half a mile, and to punish the authors or maintainers thereof, and to authorize and direct their speedy abatement or removal by some officer of said city. If in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level or drain any lot or premises, they shall have power so to do; to assess the costs and expenses of such filling or draining, and impose the same as an assessment or tax on said lot or premises, which shall be a lien thereon till paid, and shall be collected in the same manner as other assessments levied and imposed by the authority of the common council;

Twenty-ninth. To compel the owner or occupant of any gro- ^{Ibid.} cery, cellar, tallow-chandler's shop, soap, candle, starch or glue factory, tannery, butcher's shop or stall, slaughter-house, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse or abate the same whenever necessary for the health, comfort or convenience of the inhabitants of said city;

Thirtieth. To prohibit and prevent any person from bringing, ^{Ibid.} depositing or leaving within the limits of said city, or within one mile distant therefrom, or keeping or having on the premises owned or occupied by him in said city, any dead carcass, putrid or unsound meat, hides, skins, and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing or leaving the same within the limits of said city, or one mile distant

therefrom, or having or keeping the same on the premises owned or occupied by him in said city, to remove the same;

Cellars,
drains, etc.

Thirty-first. To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some officer of the corporation, and assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon, which assessment shall be a lien on such lot or premises, and be collected in the same manner as other assessments imposed by authority of the common council; to direct and regulate the construction of lateral sewers or drains for the purpose of more effectually draining all lots and cellars, yards and sinks within the limits of said city, whenever in their opinion the same shall be necessary: *Provided*, Such lateral sewers or drains shall be laid or constructed through any of the streets and alleys adjoining or in front of the premises through which such sewers or drains shall be ordered constructed, and assess the expense thereof on such lots or premises benefited thereby, which assessment shall be a lien on such lot or premises until paid, and be collected in the same manner as other assessments of the common council;

Proviso.

Fire
department.

Thirty-second. To establish a fire department, to provide for the extinguishment of fires, and to establish, organize and regulate fire companies, in the manner prescribed in this act;

Hazardous
buildings
and offensive
occupations.

Thirty-third. To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of the buildings for storing powder, powder-factories, tanneries, distilleries, buildings for the manufacture [of] turpentine, camphene, and dangerous or easily inflammable or explosive substances, slaughter-houses and yards, butchering-shops, soap, candle, starch and glue-factories, established for steaming or rendering lard, tallow, offal, or such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings,

shops, factories and establishments as aforesaid, now or hereafter to be constructed in said city, whether within or without the limits to be determined as aforesaid, together with blacksmith shops, foundries, copper shops, steam boiler factories, carpenter shops, planing establishments, usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in regard to construction and management as the common council may make, with a view to the protection of any property from injury by fire, or to the health or safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Thirty-fourth. To regulate the keeping and conveyance of powder and other combustible or dangerous articles, and the use and kind of lights and lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra hazardous in respect to fire; Explosive articles.

Thirty-fifth. To prohibit and prevent the location or construction of any frame or wooden building, house, store or shop, and any frame building filled, lined or covered with brick or stone, on such streets, alleys or places, or within such limits in said city as the common council shall designate and prescribe from time to time; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places, or within said limits, and the rebuilding and repairing of the same; to prevent the rebuilding and repairing of wooden buildings on such streets, alleys and places, or within said limits, when damaged by fire or otherwise, and the general supervision over the construction of all buildings within said city, so far as the safety of all contiguous property is concerned, for the prevention of fires; Fire limits.

Thirty-sixth. To regulate the construction of partition fences, and of partition and parapet walls, the thickness of walls and the size of brick; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to Construction of walls, etc.

Ash-houses,
etc.

prohibit and prevent the burning out of chimneys and chimney-flues; to compel and regulate the cleaning thereof, and fix the fees therefor; to compel and regulate the construction of ash-houses or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of a fire all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires, and in the preservation of property exposed to danger therefrom;

Bathing.

Thirty-seventh. To prohibit and prevent or to regulate bathing in any place, or in any of the waters in and adjoining said city, determine the times and places thereof, and to prohibit and prevent any obscene or indecent exhibition, exposure or conduct thereat;

Houses of
ill-fame.

Thirty-eighth. To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries; to restrain and suppress and punish the keepers thereof; to punish, restrain and prevent common prostitutes, vagrants, mendicants, street-beggars, drunken and disorderly persons; to prohibit and prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof;

Unwholesome meat.

Thirty-ninth. To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions, and impure or spurious wines and spirituous liquors, and to punish

all persons who shall knowingly sell the same, or offer to [or] keep the same for sale;

Fortieth. To prohibit, restrain or prevent persons from gam- Gaming.
ing for money with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever, in any grocery, store, shop or other place in said city, to punish the persons keeping the buildings, instruments or means for such gaming, and compel the destruction of the same;

Forty-first. To prohibit, prevent and suppress all lotteries Lotteries.
for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or managing the same;

Forty-second. To prohibit or prevent persons from selling or Liquors.
giving away ardent spirits, or other intoxicating liquors to any child, apprentice or servant, without the consent of his parent, guardian, master or mistress; to license and regulate the selling or giving away of any ardent spirits or other intoxicating liquors by any shop-keeper, trader, grocer, inn, hotel or tavern-keeper, keeper of any ordinary, saloon, recess, victualing or other house, or by any any other person, in case the selling or giving away of ardent spirits and other intoxicating liquors, and licensing the sale thereof, shall hereafter be authorized by the laws of this State;

Forty-third. To license and regulate solicitors for passengers Runners,
or for baggage for any hotel, tavern, public house, boat or rail- etc.
road; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Forty-fourth. To license and regulate auctioneers, hawkers, Auctions,
peddlers and pawn brokers, and regulate auctions, peddling and etc.
and pawn brokerage, license and regulate the peddling and hawk-
ing of fruits, nuts, cakes, refreshments, jewelry, merchandise,

goods and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets;

Exhibitions. *Forty-fifth.* To prohibit and prevent, license and regulate the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;

Tavern keepers. *Forty-sixth.* To license and regulate the keepers of hotels and other public houses, grocers and keepers of ordinaries, saloons and victualing and other houses or places for furnishing meals, food or drink;

Meat markets, etc. *Forty-seventh.* To license and regulate butchers, to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths or stands at markets, or any other place in said city, for the sale of any kind of meat, fish, poultry, vegetable food or provisions;

Billiard tables. *Forty-eighth.* To regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming;

Bath-houses. *Forty-ninth.* To license and regulate public bath-houses or bath-rooms on land, and any public floating bath-houses, bath-rooms or vessels on the St. Clair or Black rivers;

Police. *Fiftieth.* To establish and regulate an efficient system of police for the good government of said city; to appoint, on the recommendation of the mayor or acting mayor, policemen and watchmen, who shall possess and exercise the same powers, as conservators of the peace, which township constables under the general laws of this State possess, and to prescribe and regulate their further powers and duties, and fix their compensation. Said policemen and watchmen may be removed at any time by the common council, on the recommendation of the mayor or acting mayor;

Inspectors of weights and measures. *Fifty-first.* To appoint one or more inspectors, measurers, weighers, gaugers of articles to be inspected by measure, weight or gauge; to prescribe and regulate their powers and duties, fees and compensation;

Fifty-second. To direct and regulate the weight and quantity ^{Bread.} of bread, the size of the loaf, and the inspecting thereof;

Fifty-third. To direct and regulate the inspecting and meas- ^{Building} uring of wood, lumber, shingles, posts, stone, heading, and all ^{materials,} etc. building materials; the inspecting, measuring and weighing of coke and all kinds of coal; the inspecting and weighing of hay; the inspecting of vegetables, fresh, dried, smoked, salted, pickled and other meat or fish, poultry, butter, lard and other food or provisions to be sold wholesale or retail; the inspecting and weighing of flour, meal, pork, beef, and all other food or provisions, and salt, to be sold in barrels, half-barrels, casks, hogsheads, boxes, or other packages, and the inspecting and gauging of wines, whisky and other spirituous liquors, to be sold at wholesale or retail, or in kegs, half-barrels, barrels, casks, hogsheads, puncheons, pipes, or other vessels: *Provided,* ^{Proviso.} That nothing herein contained shall be construed to authorize the inspecting, measuring, weighing or gauging of any article herein enumerated, which is to be transported beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same;

Fifty-fourth. To regulate the weights and measures to be ^{Weights and} used in said city, and compel every merchant, retailer, trader ^{measures.} and dealer in merchandise, groceries, provisions or property of any description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of this State;

Fifty-fifth. To provide for the protection and care of pau- ^{Paupers} pers, and to prohibit and prevent all persons from bringing, in vessels or in any other mode, to said city, from any other port or place, any pauper, or other person likely to become a charge upon said city, and to punish therefor;

Fifty-sixth. To provide for the burial of strangers and poor ^{Burial of} deceased persons; to regulate the burial of the dead, and the ^{strangers,} etc. registration of births and deaths, and to order and compel the

keeping and returning of bills of mortality by physicians, sextons and others;

Census.

Fifty-seventh. To provide for taking a census of the said city whenever the common council may see fit, and to direct and regulate the same; to provide for calling meetings of the inhabitants of said city by public notice thereof, fixing the time and place of meeting, and to regulate the ringing of bells;

Public buildings.

Fifty-eighth. To provide for the erection of, and to erect a city hall, and all needful buildings and offices for the use of the corporation and its officers, and to control and regulate the same;

Jail and house of correction.

Fifty-ninth. To establish and build a jail and house of correction for the confinement of offenders; to erect and provide for erecting the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their powers and duties, and provide for their removal from office and the filling of vacancies;

Imprisonment therein.

Sixtieth. To imprison and confine in said jail and house of correction, at hard labor or otherwise, all persons liable to be imprisoned or confined under this act, or any ordinance of the common council, or lawfully committed thereto by any court or magistrate, as herein provided. Any court or magistrate in the city of Port Huron, or in the county of St. Clair, may commit to any jail or house of correction of said city, instead of the jail of St. Clair county, any person convicted of an offense against the general laws of this State, now or hereafter punishable by imprisonment in the jail of St. Clair county. Any court of competent jurisdiction of the State of Michigan may, in its discretion, commit any male under sixteen, or female under fourteen years of age, to the house of correction of said city, instead of the house of correction at Lansing, who shall be convicted of any crime now or hereafter punishable by imprisonment in the State prison, whenever, in the opinion of the court, the welfare of the public and of the convict will be promoted thereby. All expenses attending the confinement of

any person sentenced to be committed to the jail or any house ^{Ibid.} of correction of said city, for any offense against the general laws of this State, now or hereafter punishable by imprisonment in the State prison, shall be paid by the State Treasurer quarter-yearly, on the certificate of the city clerk that such expenses have been incurred. All expenses attending the confinement of any person sentenced to be committed to the jail or to such house of correction of said city, for any offense against the general laws of the State, now or hereafter not punishable by imprisonment in the State prison, shall be paid quarter-yearly by the treasurer of the county in which the offender was tried and convicted, upon the certificate of the city clerk that such expenses have been incurred;

Sixtieth. To prescribe and regulate the speed of cars and ^{Rail cars.} engines on railroads within the limits of said city;

Sixty-first. To authorize the mayor to grant, issue and ^{Licenses.} revoke the licenses, in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, nor shall any such license authorize the sale of spirituous liquors; and the person receiving the same shall, before the issuing thereof, execute a bond to the corporation, in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinance of the common council, and otherwise conditioned as the common council may prescribe. The mayor may inquire into the sufficiency of the sureties in such bond, by an examination under oath as to their property and responsibility, which oath may be administered by him. The depositions of the surety shall be reduced to writing, be signed by him, certified by the mayor, annexed to and filed with the bond to which it relates, in the office of the clerk of the city;

- Taxes.** *Sixty-second.* To assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed till paid; to make regulations for assessing, levying and collecting the same, and to lease the property taxed to pay the taxes thereon for a term not exceeding twenty-five years, and with such terms and time for redemption as the common council of said city may by public ordinance prescribe;
- Appropriations.** *Sixty-third.* To appropriate money, provide for the expenses of the said city, and make regulations concerning the same;
- Loans.** *Sixty-fourth.* The common council shall have power from time to time, to borrow such sums of money as they may deem necessary, for the erection of any public buildings, as heretofore mentioned in this act, and for completing and finishing the same, and for other city improvements, and payments for lands; and they may issue and dispose of the bonds of the city for any amount so borrowed, upon such sums, and at such rate of interest as they may deem advisable, and for a time not exceeding twenty-five years from the date thereof, under such regulations as the common council may see fit to adopt; and such common council may sell the bonds of said city, either within or without this State, at such rates and prices as they may deem proper. And whenever any plank road company, incorporated under the general laws of this State, shall be organized for the purpose of constructing a plank road, one terminus of which plank road shall be in the city of Port Huron, said common council shall have power, subject to the restrictions herein afterwards contained, to take stock for said city in the capital stock of said plank road corporation, and may issue the corporate bonds of said city to the amount of such subscription, and dispose of said bonds to the best advantage of said city, for a time not exceeding twenty years; but before any bonds shall issue, the resolution of the common council authorizing the same shall be submitted to a vote of the qualified electors of said city, at the annual, or at some special election to be called for that purpose, for their approval or dis-
- Plank roads.**
- Question to be submitted to qualified electors.**

proval; at said election a ballot box shall be provided and kept by the several boards of inspectors thereof, for each ward, for receiving the votes for or against said loan; and on the ballot shall be written or printed, "For the issuing the bonds—Yes," or, "For the issuing the bonds—No;" and the canvass of the votes cast for or against said loan, and the returns thereof, shall be made by the proper canvassing officers within the same time and in the same manner as hereinbefore provided for the canvass and the return of the votes cast at the annual election, and the result shall be declared in the same manner; and if it shall appear that a majority of the votes cast at such election have thereon, "For the issuing the bonds—Yes," said bonds shall issue, and be negotiated as aforesaid; and if it shall appear that a majority of the votes cast at such election have thereon, "For the issuing the bonds—No," such bonds shall not issue, and the resolution of the common council authorizing the same shall have no effect: *Provided, however,* That the whole amount of such bonds shall not at any time exceed the sum of fifty thousand dollars;

Sixty-fifth. To punish all offenses and offenders for a violation of, or offenses against this act, or any ordinance of the common council enacted under this or any other act of the Legislature, by holding to bail for good behavior, by imposing fines, penalties, forfeitures and costs, and by imprisonment in the jail of St. Clair county, any jail, work-house, house of correction, or alms-house of said city, or either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine, penalty or forfeiture be imposed, together with the costs, the offender may be sentenced to be imprisoned until the payment thereof, or for a term not exceeding six months. All punishments for offenses against the ordinances of the common council, shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty or forfeiture shall exceed one thousand dollars, no fine shall exceed five hundred dollars, and no imprisonment shall exceed the period of two years;

Employment
of prisoners
at work.

Sixty-sixth. To employ all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the jail of St. Clair county, or any jail, work-house or house of correction of said city, at work or labor either within or without the same, or upon the streets or other public works of said city, under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, or forfeiture, or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor; and also to provide sufficient and necessary means for the protection of such prisoners while they are at such work under the supervision or authority of the common council;

Printing and
publishing.

Sixty-seventh. To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as the said common council may prescribe;

Government
of the city.

Sixty-eighth. To provide for maintaining the peace and good order and government of the city of Port Huron; and the common council shall have power to subdivide the city of Port Huron into wards; and when so subdivided the same officers shall be elected or appointed in such wards as are by this act elected or appointed;

Real estate.

Sixty-ninth. The common council shall have power to purchase and sell real estate for the use of said corporation, for corporate purposes, and to execute mortgages on the same, for any balance which may remain unpaid on the purchase money paid for such real estate. They shall also have power to purchase and control land for cemetery purposes or parks, either within or without the corporation limits of said city;

Bridges.

Seventieth. To provide for the erection of one or more bridges across the Black river, in said city.

CHAPTER VII.

RECORDER'S COURT.

Sec. 1. There shall be [a] municipal court in and for the city Recorder's court.
of Port Huron, to be called the "recorder's court," which shall
be a court of record.

Sec. 2. The recorder of said city shall be the judge of said Senior justice of the
court; but in case of his absence from the city, inability to at- peace may
tend, or a vacancy in his office, the senior justice of the peace act in ab-
of said city shall be the judge of said court, and as such judge, sence of re-
have and exercise all the powers and duties of said recorder, corder.
until he shall resume his office, or such vacancy be filled.

Sec. 3. There shall be a clerk of said court, as before pro-Clerk of
vided in this act, whose duty it shall be to keep a true record recorder's
of the proceedings of the said court in a proper book to be court.
provided therefor, and file and safely keep all books and papers
belonging or appertaining to said court. He shall sign and
seal all writs and process issuing from said court, and shall
have power generally to administer oaths and take affidavits.

Sec. 4. The marshal of said city and his deputies shall at- Marshal;
tend the sittings of said court, and it shall be their duty and duties of
they shall have power to execute all lawful precepts and com-
mands of said court, and serve and execute all lawful writs
and process issuing therefrom.

Sec. 5. The said recorder's court shall have original and ex-Jurisdiction
clusive jurisdiction, and shall have power to hear, try and de- of recorder's
termine all charges, complaints, actions and prosecutions for court.
the recovery of any and all forfeitures and penalties for alleged
violations or infringements of the acts of the Legislature of
this State incorporating said city, except in cases where juris-
diction is especially given to some other court; all actions, com-
plaints or prosecutions for alleged breaches or violations of any
of the by-laws or ordinances of said city, except in cases where,
by such by-laws or ordinances, jurisdiction is especially given
to some other court; all actions, complaints or prosecutions for
encroachments upon or injury to any of the streets, lanes,

alleys, bridges, parks, or other public improvements of said city, except when the recorder is absent from the city or unable to discharge the duties of recorder, when any justice of the peace of said city shall have jurisdiction to hear, try and determine the same.

Writs and
process
from.

Sec. 6. All writs and process from the recorder's court shall be "In the name of the people of the State of Michigan," and shall be directed to the marshal or any constable of said city, shall bear test in the name of the recorder, shall be sealed with the seal of said court, signed by the clerk, and dated on the day on which the same shall be issued.

Further
jurisdiction
of.

Sec. 7. The said recorder's court shall have concurrent jurisdiction with justices of the peace over all offenses and misdemeanors committed within the limits of said city, to hear, try and determine the same with or without a jury; and concurrent jurisdiction with the circuit court for the county of St. Clair, to hear, try and determine all complaints, indictments and informations for any offense, crime or felony committed within the limits of said city, when the punishment by the statutes of this State does not exceed fifteen years, and shall proceed therein, as near as may be, according to the practice in the circuit courts, and shall have the same powers in regard thereto, and the judgments and orders and sentences of said recorder's court shall be as effectual in all respects as the judgments and orders of circuit courts in regard to such offenses. The city attorney shall act as prosecuting attorney in said recorder's court, and possess all the powers and discharge all the duties relative to the prosecution of such offenses as prosecuting attorneys in circuit courts. In his absence the city recorder may appoint some other attorney to act in his stead in said court for the time being.

Power of, to
enforce re-
cognizances.

Sec. 8. The recorder's court shall have full jurisdiction and authority to control and enforce all recognizances lawfully taken by said court, or by the judge thereof, or by any other court, judge or magistrate in the course of any prosecution or proceeding pending in said court, or lawfully taken by any

court, judge or magistrate to compel any person or persons to appear before said recorder's court, and there to answer and do according to the terms thereof; and whenever default shall be made in any such recognizance, such default shall be duly entered of record in said recorder's court; and thereafter said court shall, upon the motion of the city attorney, summarily enter judgment against all the parties liable on said recognizance for the full amount thereof: *Provided, however,* That any Proviso. person against whom such judgment may have been entered, shall have the right to apply to the court within twenty days after the rendition of such judgment, for the vacation of the same for good cause shown; and said court may thereupon, in its discretion, vacate such judgment on such terms as it may deem just. Such recognizance may be in the usual form.

Sec. 9. The judge of said recorder's court shall possess the same powers to grant writs of *habeas corpus* returnable before himself, and to adjudicate thereon, and to do all acts in vacation touching any suit or proceeding in said court, as is now or may be possessed by the judges of the circuit courts of the State in matters before said circuit courts. Habeas corpus.

Sec. 10. The said recorder's court shall have power to make rules for regulating the practice and conducting the business thereof, and to alter, amend, or repeal the same at its discretion. Rules of the court

Sec. 11. Said recorder's court shall devise its own seal at Seal. the expense of said city, and a description thereof, attested by the clerk of said court, shall be deposited in the office of the city clerk.

Sec. 12. All writs and process issuing from said recorder's court for offenses under the general laws of this State shall be directed to the sheriff or marshal of the city, shall run "In the name of the people of the State of Michigan," be sealed with the seal of the court, signed by the clerk thereof, dated on the day on which the same may issue, and tested in the name of the recorder of the city of Port Huron. Writs and process to be directed to the marshal.

Prosecutions
to be in the
name of the
people.

Sec. 13. All proceedings in said recorder's court for offenses under this act, or for any misdemeanor cognizable by a justice of the peace, or under, or for the breach or violation of any ordinance or regulation of the common council, or to recover any penalty imposed thereby, shall be in the name of "The people of the State of Michigan," and may be commenced by filing with the clerk of the recorder's court a complaint, in the form of an affidavit, in writing, under oath, before the clerk of said recorder's court, or any other officer authorized to administer oaths, therein setting forth with reasonable certainty the matter complained of; such complaint shall be deemed sufficient if the offense be substantially set forth. Upon receiving such complaint, the clerk of said court shall issue a warrant under the seal of said court, for the arrest of the person or persons complained of, duly tested, returnable forthwith, and shall be heard at the next, or then present term of said court, or at such time as the recorder may appoint for the hearing thereof. Upon the accused being brought before the court, he or they may plead to such complaint, and no other declaration or pleading shall be necessary on the part of the prosecution; but such complaint or pleading may be amended by order of the court, and said recorder's court shall proceed to hear, try and determine the same without a jury, unless a jury shall be demanded by the defendant, in which case the same shall be tried by a jury of six good and lawful men from the regular panel, or to be selected and drawn the same as in trials before justices of the peace; in either case talesmen may be called as jurors.

Term of
recorder's
court.

Sec. 14. There shall [be] a term of said recorder's court once in each month, which shall commence on the first Tuesday thereof, and may be continued and adjourned from time to time, and special sessions may be held for business, and at such times and as long as said court may deem necessary for the transaction of business; and if, from any cause, the judge of said court shall be unable to hold the same on the first day of a term, the clerk thereof shall have power to open said

court and adjourn it from day to day, until the judge shall be able to attend; and in such case all prosecutions, proceedings and matters pending in said court shall stand continued until such judge can hold said court.

Sec. 15. The clerk of said recorder's court may appoint a ^{Deputy clerk.} deputy, who, in the absence of said clerk, shall have all the powers and perform all the duties of said clerk.

Sec. 16. It shall be the duty of the city attorney to appear ^{City attorney; duty of.} and prosecute all criminal matters in said court; to collect of all fines and penalties imposed for offenses under this act, or any ordinance or regulation of the common council of said city, (which shall be reported in writing by the clerk of said court, at the close of each term thereof to said common council,) and immediately after their collection or receipt by the city attorney, shall be paid by him to the treasurer of said city. In all criminal cases under the general statutes, the recorder may, in his discretion, call upon the prosecuting attorney of St. Clair county, who shall in such cases appear and prosecute the same.

Sec. 17. The city of Port Huron shall be liable for all reasonable costs and expenses, and board of prisoners, incurred in ^{City liable for prison's board.} prosecutions for offenses in proceedings in said recorder's court, arising under this act, or any ordinance or regulation of the common council of said city; and the county of St. Clair shall be liable for all reasonable costs and expenses, and board of prisoners, incurred in prosecutions for offenses and proceedings in said court, arising under the general laws of this State; but if there be a conviction and sentence of confinement in any jail or house of correction of said city, for any offense now or hereafter punishable by imprisonment in the State prison, the expenses attending the confinement of the prisoner, after sentence, shall be paid by the State Treasurer semi-annually, on the certificate of the city clerk that such expenses have been incurred.

Sec. 18. The recorder shall be entitled to the sum of four ^{Salary of recorder.} dollars per day for each and every day in which he shall be

actually employed in all business connected with the trial of offenses under the general laws of this State, which shall be paid by the State Treasurer semi-annually, on the certificate of the mayor and city clerk, setting forth the number of days in which said recorder has been so engaged, and the amount which he is entitled to receive for such services. And the recorder shall also have the following fees: For deciding a cause on motion, two dollars; for trial, three dollars; for hearing petitions of railroad companies, five dollars; for making all necessary orders therein, and confirming the report of the commissioners or the verdict of the jury therein, five dollars. The clerk of the recorder's court shall be paid by the city of Port Huron such salary as the common council may prescribe.

Fees.

Prisoners to be confined in county jail.

Sec. 19. Any person liable to be imprisoned and confined under this act, or under any ordinance or regulation of the common council of said city, may be so imprisoned or confined in the jail of St. Clair county, or in the house of correction at Detroit; and it shall be the duty of the keeper of said jail or house of correction, to receive and safely keep therein all persons thus subject to imprisonment or confinement, until legally discharged therefrom.

Jails and houses of correction.

Sec. 20. Every law of this State for the safe keeping of prisoners, for preventing or punishing their escape, or the aiding of them to escape, shall apply to any jail or house of correction established and provided under this act.

Punishment to be prescribed by council.

Sec. 21. Punishments not herein prescribed for offenses against this act, and for offenses against the ordinances and regulations of the common council, shall be prescribed by said common council.

Defendants; how tried.

Sec. 22. In all trials for offenses against any ordinance or regulation of the common council of said city, the person or persons on trial shall be tried by the court, unless he or they shall request to be tried by a jury. Juries shall be obtained, summoned, drawn and sworn as hereinafter provided.

Drawing of jurors.

Sec. 23. The assessor of said city, at the time herein appointed to review the assessment rolls in each year, shall se-

lect from them, when completed, a list of fifty persons to serve as jurors in all cases where juries may be required under this act, or any ordinance or regulation of the common council; and the persons thus selected shall be qualified electors of the city of Port Huron, shall be of fair character, and sound judgment and understanding, and so far as practicable, such as were not actually drawn or did not serve as jurors during the preceding year. Said list shall be signed by said assessor, returned to the clerk of said recorder's court, and filed in his office. If said assessor shall refuse or neglect to return the list of jurors as above provided, the judge of the recorder's court shall have power to compel him to make such return. For every day that said assessor shall refuse or neglect to make such returns after the time prescribed in this section, he shall forfeit the sum of one hundred dollars.

Sec. 24. The clerk of said court, on receiving said list, shall Clerk to file list of. file it in his office; shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as nearly as may be; shall fold up each of said slips of paper in the same manner, so as to conceal the name thereon, and deposit and preserve the same in a box to be called the jury-box, and the persons whose names are thus returned and deposited in said jury-box shall be liable to serve as jurors for one year, and until another list shall be selected, returned and filed with said clerk, and the names therein deposited in said jury-box in the manner aforesaid.

Sec. 25. Before depositing in said jury-box the names contained in a new list, the ballots deposited therein for the Ballots of preceding year to be destroyed. preceding year shall be destroyed; and it shall be the duty of the judge of said court to attend and be present with the clerk when the ballots containing the names of the persons to serve as jurors are deposited in said jury-box, or taken out to be destroyed.

Sec. 26. At least ten days before any term of said court at Petit jury; how drawn which jury trials may be had as above provided, the clerk of said court shall draw from the jury-box the names of as many

persons as the judge of said court may deem necessary, not less than fourteen nor more than twenty-four, to serve as petit jurors in said court; and at least two days before such drawing the said clerk shall give notice to the judge of said court, and to the marshal, of the day and hour when such drawing shall take place.

Duty of
judge and
marshal to
witness
drawing

Sec. 27. At the time so appointed it shall be the duty of said judge, and of the marshal of said city, or of some deputy marshal, to attend at the clerk's office and witness said drawing of jurors; and if neither said judge, marshal, or deputy marshal be present at the appointed time, the clerk may adjourn such drawing to some certain hour of the next day, of which adjournment he shall forthwith give notice to such judge and marshal.

Proceedings
at time of
drawing.

Sec. 28. If at the time first appointed for such drawing, or at the adjourned time therefor, either said judge, marshal or deputy marshal shall be present, the clerk shall proceed in such drawing as follows: he shall shake the jury-box so as fairly to mix the slips of paper deposited therein; he shall then draw from said box publicly, and in presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon as may have been ordered by said judge; and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name on every strip of paper drawn before any other such strip be drawn; if, after drawing the whole number required, the name of any person shall appear to have been drawn who is insane or dead, or has removed from the city of Port Huron, to the knowledge of said clerk, or any attending officer, an entry of such fact shall be made on the minute of the drawing, the strip of paper containing his name shall be destroyed, and another name shall then be drawn in the place of that destroyed, and entered on the minute of the drawing; and like proceedings shall be had as often as necessary until the whole number of jurors required shall be drawn.

Sec. 29. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office; and he shall immediately make out a *venire facias*, and deliver the same to the marshal of said city, which shall command him or any of his deputies to summon the persons therein named to be and appear in said court at the terms thereof for which they were drawn, to serve as petit jurors, and not depart the same until discharged, under such penalty as the court may impose.

Minutes of the drawing to be signed by the clerk and filed.

Sec. 30. Such *venire facias* shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence, with some person of proper age; and return thereof shall be made to said court at its opening, specifying those who were summoned, and the manner in which such person was notified.

Venire facias.

Sec. 31. Said court shall impose a fine on each person duly summoned to attend as a juror, who shall, without reasonable cause, neglect to attend, not exceeding five dollars for each day's non-attendance and neglect; but all persons who, under the general laws of the State, are exempted, or may be excused from serving as jurors in the circuit courts, shall be exempted and may be excused from serving as jurors in said recorder's court.

Neglect of jurors to attend.

Sec. 32. The clerk of said court shall destroy the ballots of all persons excused from serving as jurors on the ground of being exempted by law from such service; and the ballots of persons who did not appear and serve, which shall not have been destroyed, shall be returned to the jury-box.

Jurors excused.

Sec. 33. The ballots of persons who shall attend and serve as jurors shall be enclosed by the clerk in an envelope, under seal, or deposited by him in a separate box and preserved; and if at any subsequent drawing of a jury a sufficient number of ballots shall not remain in the jury-box to furnish the number of jurors required, after having drawn all the ballots therein, the ballots preserved by the clerk as aforesaid shall be returned

Ballots to be preserved.

by him to the jury-box, and drawn in like manner as required in section twenty-eight, until the required number of jurors is obtained.

Talesmen.

Sec. 34. Whenever, for any cause, petit jurors shall not have been drawn or summoned to attend any term of said recorder's court, or a sufficient number of qualified jurors shall fail to appear, such court may, in its discretion, order a sufficient number of petit jurors to be forthwith drawn and summoned to attend such court, or said court may, by an order to be entered upon its minutes, direct the marshal forthwith to summon so many good and qualified men of said city, to serve as such jurors, as the case may require.

Marshal
to summon
jury.

Sec. 35. The marshal, on receiving a list of jurors drawn pursuant to the preceding section, or a copy of the order therein mentioned, shall proceed as soon as possible to summon such [jurors] forthwith to attend such court, and make return to said court of his doings, in the same manner as in the case of a *venire facias*.

Ibid.

Sec. 36. When there shall not be jurors enough present to form a panel in any case, said court may direct the marshal to summon a sufficient number of persons, having the qualifications of jurors, to complete the panel from among the bystanders or the neighboring [citizens,] and the marshal shall immediately summon the number so ordered, and return their names to said court.

In further
proceedings
the court to
be governed
as circuit
courts.

Sec. 37. In all further proceedings touching jury trials, their incidents, and all matters connected therewith, said recorder's court shall be governed in the same manner as the circuit courts of the State, by the general laws thereof, which, so far as the same may apply, are hereby made applicable to said recorder's court, its officers, and all proceedings therein, subject to the provisions of this act.

Jury fees

Sec. 38. In all cases in which a jury shall be demanded, other than in the cases of offenses against the general laws of this State, the party demanding the same shall, before impan-

elling of the jury, pay the sum of three dollars to the clerk of said court.

Sec. 39. Every juror summoned to attend any term of said court shall be entitled to receive the same fees as jurors in the circuit court for similar services, which, in all cases of the trial of offenses against the general laws of this State, shall be paid upon the certificate of the clerk of said court by the county of St. Clair; and in all other cases, they shall be paid upon the certificate of the clerk of said court by the city of Port Huron.

Sec. 40. Said court shall have full power to punish for contempt of court by fine or imprisonment, or by both, in its discretion; but such fine shall not exceed twenty-five dollars, nor such imprisonment sixty days.

Sec. 41. Said recorder's court shall have power, from time to time, to establish the costs and fees of all the officers of said court, which shall not exceed those established by law, and the rules and practice of the circuit court of the county of St. Clair for like services; and such costs and fees, together with the recorder's fees, shall be taken and made a part of the judgment, and levied and collected therewith.

Sec. 42. Said recorder's court shall have power and authority to, and may issue execution upon any judgment, fine or penalty entered by said court, and may levy and collect the amount of such judgment in the same manner as executions issued out of the circuit courts of this State. Such executions shall be made returnable in sixty days from the date thereof, and may authorize the taking of the body of the person against whom the execution runs, in all cases where such taking is authorized by the laws of this State, or executions issuing out of the circuit or other courts of this State, or by any ordinance of the city of Port Huron, for the violation of which such taking or arrest is authorized.

Sec. 43. Actions to recover any penalty or forfeiture for the violation of any by-law or ordinance of said city, may be commenced and prosecuted to judgment in the same manner as actions before justices of the peace are commenced and prosecuted.

Fire-wardens Sec. 4. The mayor, members of the common council, marshal and deputy marshals, by virtue of their offices, shall be fire wardens, and the common council may annually appoint one or more resident electors of each ward, fire wardens thereof, who shall hold office until removed, or their successors be appointed and qualified.

Power and duty of fire companies. Sec. 5. Each fire company shall have power to appoint its own officers, make by-laws and regulations for its own government, not inconsistent with this act or the ordinances and regulations of the common council, and may impose and collect such fines for the non-attendance and neglect of duty of any of its members as may be prescribed by the by-laws and regulations of said company. And it shall be the duty of each fire company, subject to the control and regulation of the common council, to take the care and management of the fire engine, hose, hooks and ladders, and other fire apparatus or implements of such company, to keep the same in good and perfect repair; and upon any fire alarm, or breaking out of any fire within said city, it shall be the duty of each member of the fire company forthwith to repair to the engine-house of such company, and thence proceed without delay, with its engine, hose, or other fire apparatus and implements, to the place of such fire, and there use the same, and otherwise labor for the extinguishment of such fire, under the direction of the chief engineer or other officer present who may be empowered by the common council to give orders and directions at a fire in relation to the extinguishment thereof.

When shall meet. Sec. 6. It shall be the duty of each fire company to assemble once in each month, or as often as may be directed by the common council, for the purpose of working and examining its engine, hose, or other fire apparatus and implements, and putting and keeping them in perfect order and repair.

Power and duty of fire-wardens. Sec. 7. The fire wardens appointed for the several wards shall have power, at all reasonable times, and it shall be their duty to enter into and examine all the dwelling houses, out-houses, lots and yards in their respective wards, to ascertain

how ashes are kept, to direct full obedience to all ordinances of the common council in relation to the prevention of fire, and to report to the common council all infractions thereof; and the mayor, members of the common council, marshal and deputy marshals, acting as fire wardens, shall have the same power, and perform the same duties, within the limits of said city, which the appointed fire wardens may have and perform within the limits of their respective wards.

Sec. 8. Every person whilst serving as a fireman, or who shall have served as a fireman in said city for the term of five years, shall be exempted from serving as a juror, or from doing militia duty, except in cases of war, invasion or insurrection; a certificate of such service, under the seal of the corporation, signed by the mayor and clerk of the city, shall be in all courts and places evidence of such exemption. The engineers, assistant engineers, or fire wardens appointed for the several wards, and members of the engine, hook, hose, ladder and other fire companies lawfully organized, shall be deemed firemen of this city, within the meaning of this section.

Firemen exempt from military or jury service.

Sec. 9. The mayor and any member of the common council, engineer or fire warden, may order all the able-bodied persons present at a fire to assist and labor in the extinguishment thereof, and in the preservation of property; and may also order all persons present at a fire, not belonging to the fire department, or not lawfully employed in its service, or in the preservation and custody of property, to remove from the vicinity of such fire all property exposed by reason thereof.

Officers may compel assistance at fires.

Sec. 10. Whenever any person shall refuse to obey any lawful order of the mayor, any member of the common council, engineer or fire warden at any fire, it shall be lawful for the officer giving such order to arrest, or to direct, orally, the marshal, any deputy marshal, constable, policemen, or any citizen to arrest such person and confine him temporarily until such fire be extinguished; and such officer or any of them may arrest and place in temporary confinement any person at such fire who shall be intoxicated or disorderly.

Ibid.

Duty of marshal, etc., at fires.

Sec. 11. Upon the breaking out of any fire within said city, the marshal, deputy marshal, constable or appointed fire wardens shall immediately repair to the place of such fire, with their staves, and aid and assist in extinguishing such fire, and in removing, securing, preserving or preventing any goods or any other property exposed by reason of such fire; and shall, in all respects, be obedient to the lawful orders of the mayor any member of the common council or engineer present.

Fire companies; organization of, continued.

Sec. 12. Engine house, hose, hook and ladder, and other fire companies now organized within the city of Port Huron, shall be continued in their organization until dissolved or disbanded, and the present firemen, fire engineers and fire wardens of said city are hereby continued in office until removed; but said companies, firemen and fire engineers shall in all respects be governed by this act in respect to their powers, duties, liabilities and term of office, and by the ordinances, rules and regulations of the common council, made pursuant to the provisions of this act.

CHAPTER IX.

PUBLIC HEALTH.

Board of health.

Sec. 1. It shall be the duty of the common council of said city to appoint a board of health once in each year for said city, to consist of not less than three nor more than seven persons, and [a] competent physician to be the health officer thereof.

Powers and duties of.

Sec. 2. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine, for that purpose, every person coming from any place infected, or believed to be infected with such a disease; to establish, maintain and regulate a pest-house or hospital, at some place within the city, or not exceeding three miles beyond its limits or bounds; to cause any person not being a resident of the city,

or if a resident of the city, who is not an inhabitant of this State, who shall be, or be suspected of being infected with any such disease, to be sent to such pest-house or hospital if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such person is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel, or goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be or be likely to pass into such a state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way, and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Sec. 3. The captain, master, or person in charge of any steamboat, or other craft or vessel which shall enter the city, having on board thereof any person sick of any malignant fever, or other pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine or imprisonment, unless the person so diseased became so on the way and could not be left. It shall be the duty of such captain, master, or person in charge, within two hours after his arrival, to report, in writing, to the mayor, or some health officer, the fact of such sick person's being on board, and the name, description and location of his craft; and he shall not permit such sick person to land or be landed, until the board of health, or some member thereof, shall give permission for that purpose; and any neglect or violation of these provisions, or of any or either of them, shall be a misdemeanor, punishable with fine and imprisonment.

Persons sick
of an infec-
tious disease
not to be
brought into
the city.

Idid.

Sec. 4. The owner, driver, conductor, or person in charge of any stage-coach, railroad car or other public conveyance which shall enter the city, having on board any person sick of a malignant fever, or pestilential or infectious disease, shall, within two hours after the arrival of such sick person, report, in writing, the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor or some member or officer of the board of health; and any and every neglect to comply with these provisions, or any of them, shall [be] a misdemeanor, punishable with fine or imprisonment, or both.

Infected
property
not to be
brought into
the city.

Sec. 5. Any person who shall knowingly bring, or procure or cause to be brought into the city, any property of any kind tainted or infected with any malignant fever, or pestilential or infectious disease, shall be guilty of misdemeanor, punishable by fine or imprisonment, or both.

Power of
board of
health.

Sec. 6. The board of health shall have power, by an order in writing for that purpose, to be served on the captain, master, or person in charge of any steamboat or other vessel or craft, or any owner or consignee thereof, if such boat, craft or vessel be by them suspected to have on board any infected or diseased person or property, to require such boat or vessel not to enter the city, or to remove to some certain distance, not exceeding three miles from the city; and every such captain, master, person in charge, consignee or owner, who shall be served with such order shall be guilty of misdemeanor, punishable with fine or imprisonment, or both, if such boat, vessel or craft shall enter the city in violation of such order, or shall not be removed according to the tenor of such order within a reasonable time, not exceeding three hours after the service of such notice.

Sick stran-
gers to be re-
ported to
board of
health.

Sec. 7. Every keeper of an inn, or boarding-house, or lodging-house in the city, who shall have in his house at any time, any sick traveler, boatman or sailor, shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor, or some officer or member of the board of health; every physician

in the city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or of any part of either of them, shall be a misdemeanor, punishable by fine or imprisonment, or both, the fine not to exceed one hundred dollars, nor the imprisonment six months.

Sec. 8. All fines imposed under the last five sections shall belong to the city, and when collected, shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital that may hereafter be established by the city.

Fines to be paid into city treasury.

Sec. 9. The common council shall have the power to pass and enact such by-laws and ordinances as they, from time to time, shall deem necessary and proper, for the filling, draining, cleansing, cleaning and regulating any grounds, yards, basins, slips or cellars within the said city, that shall be sunken, damp, foul, incumbered with filth and rubbish, or unwholesome, and for filling or altering and amending all sinks and privies within said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have incurred, shall be briefly described in the manner required by law in the assessment roll for the gen-

By-laws and ordinances.

eral expenses of the city; and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvements upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Dilapidated buildings to be torn down upon order of common council.

Sec. 10. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may thereby be endangered, or when any building shall, by neglect of the owner thereof, become dilapidated and untenable, and shall have been declared a nuisance, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to repair the same, or to take down the same or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require, or may immediately, or in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council may direct.

Clerk of the board of health.

Sec. 11. The said board of health shall have the power to appoint a clerk, whose duty it shall be to attend the meetings thereof, and to keep a record of its proceedings; and such record, or a duly certified copy of the same, or of any part thereof, shall be *prima facie* evidence of the facts therein contained, in any court or before any officer. The compensation of the clerk of said board shall be fixed by said board of health, by and with the consent of the common council, and such compensation shall be paid in the same manner as the other expenses of said board.

Compensation

Sec. 12. The members of said board of health shall receive such compensation for their services as the common council

shall deem reasonable, to be paid from the general contingent fund of said city.

CHAPTER X.

EDUCATION.

Sec. 1. The city of Port Huron shall be considered as one ^{School district.} school district, and hereafter all schools organized therein pursuant to this act shall, under the direction and regulations of the board of education, be public and free to all children within the limits thereof between the ages of five and twenty years, inclusive, except as hereinafter provided.

Sec. 2. There shall be elected by the common council at its ^{School inspectors.} first regular meeting in May, or at such time as said meeting shall be adjourned to, in addition to those now in office, a sufficient number of school inspectors to make the whole number two for each ward, to be distributed equally, whose terms of office shall be so arranged that two of the whole number shall go out of office each year; and annually thereafter said council shall elect two school inspectors, who shall hold their office for the term of four years, and until their successors are elected and qualified.

Sec. 3. The school inspectors, together with the mayor, who is declared to be *ex officio* school inspector, shall be a body ^{Board of education.} corporate by the name of the "board of education of the city of Port Huron," and in that name may be capable of suing and being sued, and of purchasing, holding, selling and conveying real and personal property, as the interest of said public schools may require, and shall also succeed to and be entitled to demand all moneys and other rights belonging to or in possession of the board of school inspectors, or any member thereof, any and all real or personal property or other rights in any way belonging or pertaining to the schools of said city; and the clear proceeds of all such property which may come into the possession of said board, as last aforesaid, shall be expended by and disbursed under the authority of said board of education for the support of said schools.

Quorum of. Sec. 4. A majority of all of the members of said board shall constitute a quorum, and said board may meet from time to time at such place in said city as they may designate. They may elect any one of their own number president, and in his absence may choose one of their number president *pro tempore*. The clerk of the city shall be clerk of said board; in his absence the board may appoint a clerk *pro tempore*.

To receive no compensation. Sec. 5. No school inspector shall receive compensation for his services; and any person chosen as a school inspector, who shall neglect or refuse to serve shall be deemed to have resigned, and the common council shall fill the vacancy caused thereby, upon notice from the board to the council.

Rules and regulations. Sec. 6. The said board of education shall make all needful rules and regulations relative to its proceedings, and punish by fine not exceeding five dollars for each offense, any member of the board who may, without sufficient cause, absent himself from any meeting thereof, to be recovered as they may direct, and such fines and all others recovered by said board, shall go into the library fund. Said board shall also have full power and authority to erect or purchase school-houses; to apply for and receive from the proper officer all moneys appropriated for primary schools and libraries in said city; to make by-laws relative to taking the census of all children in said city between the ages of five and twenty years; relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the examination and employment of teachers, their powers and duties; relative to the regulation of schools and the books to be used therein; relative to the appointment of necessary officers, and prescribe their powers and duties, and relative to anything whatever that may advance the interest of education, the good government and prosperity of public schools in said city, and the welfare of the public concerning

the same. Said board shall also have authority to establish a high school in said city, and to fix the price and rates of tuition therein to be paid by the scholars therein, their parents or guardians, the mode of enforcing payment thereof and the manner of collecting the same, and also to appoint a superintendent of the public schools, under the charge and direction of said board, with such salary and with such powers and duties as shall be prescribed or determined by said board of education.

Sec. 7. The said board of education is hereby authorized from time to time, on such terms as they may deem proper, to borrow money, not exceeding in all at any time the sum of ten thousand dollars, including what has been borrowed and then outstanding, unless the electors of said city, at a meeting called for that purpose, vote a larger sum, (such meeting may be called by the board of education, and so conducted as to get a fair expression of the electors present,) in which case loans may be made and bonds issued to the amount so voted, at a rate of interest not exceeding ten per cent., in such form and executed in such manner as the board may direct, for the purpose of purchasing real and personal property, and for the erection and completion of such buildings as the interests of said public schools may require, and for no other purpose. No bond shall be issued for a less sum than fifty dollars.

Board may
borrow
money.

Sec. 8. The faith and property of said board, and also the faith and property of the city of Port Huron shall be and remain pledged for the full payment of all bonds heretofore and that may hereafter be issued, and all moneys borrowed by the authority of said board under or by authority of this act.

Bonds to be
a charge up-
on property
of board.

Sec. 9. It shall be the duty of the board of education, whenever they shall borrow any money under the provisions of this act, annually to appropriate a sufficient sum out of any money which may come into their hands, to pay the interest upon the same; and also an annual sum equal ten per cent. upon the amount so borrowed, to be invested under the direction of said board, in bonds of said city, or of the State of Michigan, or of

Payment of
interest, etc.

the United States, bearing interest, at such prices as the same can be purchased, to accumulate as a sinking fund for the payment of the principal of the sum so borrowed; both of which said appropriations shall take precedence of all others, or the said board may appropriate said amount to the payment or redemption of the bonds that may be or have been issued in accordance with this act.

School tax.

Sec. 10. The common council of said city are hereby authorized, once in each year, to assess and levy a tax on all the real and personal property of said city, according to the city assessment rolls for that year, which shall not exceed five dollars for every child in said city, between the ages of five and twenty years, the number of children to be ascertained by the last report on the subject on file in the office of the clerk of the county of St. Clair, or in the office of the secretary of said board of education, and certified by the president thereof, and the said tax shall be collected in the same manner as the moneys raised to defray the expenses of said city; all such money shall be disbursed by authority of said board, for the maintenance and support of said schools, and for no other purpose.

Treasurer of the city to be treasurer of board.

Sec. 11. The treasurer of said city shall be the treasurer of said board; he shall keep all moneys belonging to said board separate from the moneys belonging to the corporation of said city; and he shall not pay out or expend said moneys except upon warrants of the board.

School taxes to be distinguished from other city taxes.

Sec. 12. All taxes which may be assessed and levied by the common council of said city, under authority of this chapter, shall be set forth in the assessment roll of said city in a separate column, apart and distinguished from all other city taxes; and the collector of said city shall collect said taxes in money, and said collector shall not be required or permitted to receive in payment of said taxes, any liabilities or evidences of debt against said city.

Purchase of school property.

Sec. 13. The common council of said city is hereby authorized to levy and collect a tax, not exceeding three thousand

dollars in any one year, to be expended in purchasing necessary lots, and the erection of a school-house or houses, with the necessary out-buildings, for the use of the public schools thereof, or in repairing or rebuilding any school-house: *Pro-Provido.* *vided,* Such tax, when collected, shall be under the control of said board of education, and the title to all property purchased shall vest in them; but the proceeds of such tax shall be applied exclusively to the purposes for which the same was levied.

Sec. 14. The collector and treasurer shall, before they enter on their duties under this chapter, enter into such bonds to the board of education, and with such sureties as may be directed by them, conditioned for the faithful discharge of their respective duties. Collect'r and treasurer to give bonds.

Sec. 15. The collector shall take a receipt from the treasurer for all money paid over by him, and file the same with the clerk of said board; at the time of making his final return, he shall make a report to said board, stating the amount of school tax, the amount collected, and the amount returned by him to the common council as unpaid or uncollected. And if any collector shall neglect or refuse to pay to said treasurer the sums of money required by his warrant, or to account for the same as unpaid, at the time and in the manner required by law, the recorder of said city, or the president of the board of education, shall forthwith issue a warrant under his hand, directed to the sheriff of said county, commanding him to levy such sum as shall remain unpaid and unaccounted for, together with his fees for collecting the same, of the goods and chattels, lands and tenements of such collector and his sureties, and to pay the same to the treasurer, and return such warrant within twenty days after the date thereof. Duty of collector.

Sec. 16. The said board of education shall annually, in the month of May, publish in the official newspaper of the city, report containing the number of pupils instructed therein the year preceding, the several branches of education pursued by Board to publish annual report.

them, and the expenditures for all things authorized by this chapter, during the preceding year.

District
library.

Sec. 17. A district library shall be established by said board of education, and, for the increase of the same, the common council are authorized annually to levy a tax on the real and personal property within said city, of a sum not exceeding one hundred dollars, which tax shall be levied and collected in the same manner as other moneys authorized to be raised for the use of said schools.

Vacancy in
office of sch'l
inspector.

Sec. 18. The office of school inspector shall be deemed vacant only in case of the death or removal from the city of the inspector elected, and in case of refusal or neglect to serve as such inspector.

Sessions of
board.

Sec. 19. The board of education shall hold regular sessions at such times as they shall by resolution determine, which meetings shall be held at the common council room in said city, and they may adjourn regular sessions from time to time as may be deemed expedient, and may hold special meetings when necessary.

CHAPTER XL

OPENING, ALTERING AND CLOSING STREETS.

Common
council may
lay out
streets, etc.

Sec. 1. The common council of the city of Port Huron shall have full power to lay out, establish, extend, widen, straighten, alter, close, vacate, or abolish any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity for using or taking such property, the just compensation to be made for the same, and the damages arising to any person from the making of said improvement shall be ascertained by a jury of twelve disinterested freeholders residing in said city.

Proceedings
when private
property is
taken.

Sec. 2. Whenever the common council shall deem any such improvement necessary, they shall so declare by resolution, and in said resolution shall describe the contemplated improvement,

and if they intend to take private property therefor, they shall ^{ibid.} declare such intention and describe such property in said resolution, with particularity sufficient for an ordinary conveyance thereof, and further declare that they will, on some day to be named in said resolution, apply to the recorder's court of said city for the drawing of a jury to ascertain the necessity for using the property intended to be taken if it be intended to take any for such improvement, to ascertain the just damages or compensation which any person may be entitled to if such intended improvement be made, and to apportion and assess such damages and compensation to and upon all lots, premises, and subdivisions thereof which will be benefited by such improvement; and the time to be named for applying to said court shall be on a day subsequent to the required publication of such notice or resolution.

Sec. 3. The common council shall give notice of the intended improvement, and of their intended application to said court, by causing a copy of said resolution, certified by the clerk of the city, to be published for four successive weeks in the official newspaper for the city, and one other newspaper published in said city, if there be one; and the marshal [shall] also give notice of said resolution by delivering a notice thereof, with a copy of the same annexed, to the owner or owners or agent of any private property intended to be taken, if they can be found in said city, which notice shall be directed to them, or if they cannot be found, by leaving the same at their place of residence, in said city, with some person of proper age. If they or their place of residence cannot be found, and such property be occupied, said notice and copy of such resolution shall be served by delivering the same to the occupant or occupants, or by leaving the same at their place of residence within said city with some person of proper age; but if the owner or owners or agents of such property, or their place of residence cannot be found, and it be not occupied, but they, their place of residence, and that of the occupant or occupants cannot be found, or if the owner or owners, occupant or occupants be un-

Notice to be given in official paper.

Notice to be served upon owner.

Ibid.

known, or non-residents of said city, then in either of such cases notice of such resolution may be given by posting the copy of said resolution in some conspicuous place upon the property intended to be taken. The marshal shall give notice of said resolution as above directed, and make return of his doings, of his manner of giving said notice, as soon as practicable after the passage thereof, which return shall be made to said recorder's court, at least six days before the day appointed in said resolution for hearing of said application; and all persons interested therein, after notice given in the manner aforesaid, shall take notice of, and be bound by all subsequent proceedings without any further notice, except as herein otherwise provided.

City attorney to make application to the recorder's court.

Sec. 4. The clerk of the city shall deliver to the city attorney a certified copy of the said resolution of the common council, whose duty it shall be to appear in said court and make the application therein referred to, and conduct all further proceedings thereon in behalf of the common council.

Marshal to make list of jurors.

Sec. 5. Upon the day designated in said resolution, or some other day to be appointed by the court, and on filing a copy of said resolution, and an affidavit showing the required publication thereof, the marshal shall attend the court and write down the names of twenty-four disinterested freeholders residing in said city, and who shall be approved by the court as such disinterested freeholders and residents, and as qualified to serve.

Summoning of jury.

Sec. 6. Said court shall then issue a writ of summons, commanding the marshal to summon the said twenty-four persons to be and appear in said court to serve as jurors, on some day to be named therein, which shall not be less than seven days after the issuing thereof. The marshal shall serve such summons at least three days before the return day thereof, and make return in the same manner as in the case of summons for petit jurors of said court; and the persons thus summoned shall be bound to attend said court and serve until discharged, and said court shall impose upon them a fine not

exceeding five dollars for each day's non-attendance in court or neglect to serve; but they may be exempted and excused by the court from serving, for the same reasons which petit jurors may be exempted or excused.

Sec. 7. The names of the jurors in attendance, and who do not claim to be exempted, or who are not excused from serving, shall then be written by the clerk of the court on separate pieces of paper, of equal size and appearance as near as practicable, and be deposited by him in a box having a lid or cover. He shall then shake said box so as thoroughly to mix said slips of paper, and shall then draw impartially, openly, and in the presence of the court, so many of the slips of paper or ballots containing names written thereon, one after another, as shall be sufficient to form a jury. The right of challenge shall be allowed as in civil cases under the laws of this State.

Drawing for jury.

Sec. 8. If, in consequence of jurors being exempted, excused or set aside, there shall not be in the box any ballots, or a sufficient number of ballots from which to draw a jury, the marshal shall forthwith, under the order of the court, summon such number of persons as the court shall deem necessary, and may order to be and appear in said court to serve as jurors, and the persons thus summoned shall be returned, be bound to attend said court and serve, and be competent to form the jury in the same manner and to the same effect as those first summoned.

Proceedings when sufficient number is not drawn

Sec. 9. The twelve persons who shall appear as their names are drawn and called by the clerk, or who are called by him when all the ballots shall be drawn from the box, and shall be approved by the court as qualified, shall be the jury, and sworn to discharge their duties faithfully and according to the best of their abilities. Said court shall then instruct said jury as to their duty, and the law applicable to the case, and deliver to them a copy of the resolution of the common council as filed in said court, certified by the clerk of said court; and the city attorney shall give said jury legal advice and counsel concerning their duties, whenever requested.

Jury to be sworn.

Jury to examine premises to be taken.

Sec. 10. The jury shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken, and described in said resolution, or as the case may be, which will be damaged or benefited if the intended improvement be made.

To ascertain necessity for using property, and assess damages.

Sec. 11. Said jury shall then ascertain the necessity for using the property intended to be taken, if it be intended to take any for such improvement, and if they shall find in the affirmative, they shall next determine the just damages or compensation to be paid to the owner or owners of any property intended to be taken for, or that may be damaged by the intended improvement, and award to the owner or owners thereof such damages as they shall deem just. In estimating such damages any direct or peculiar benefit or increase of value accruing therefrom to land of the same owner adjoining to or connected with the land taken and forming part of the same parcel or tract, shall be considered by said jury and allowed by way of set off. If such property shall be subject to a valid mortgage, lease and agreement, or either, and such facts shall be made to appear to the jury, then said jury shall apportion and award to the owners of said property, the parties in interest to such mortgage, lease and agreement, or either of them, such portions of the damages and compensation as they shall deem just; and in all cases where any such damages shall be awarded, except for the laying out, establishing, opening, widening, altering or vacating any alley or alleys, such damages shall be payable out of the city treasury, and the means therefor shall be raised from time to time, as may be necessary, with the general city taxes.

Opening, widening, or vacating alleys.

Sec. 12. In case of the laying out, establishing, opening, widening, altering or vacating an alley or alleys, said jury shall further proceed to apportion the total damages or compensation to be paid for the proposed improvement among the lots of land, premises or subdivisions thereof, within the block in which the alley in question is situated and which will be benefited by the proposed improvement, apportioning and assessing

the same upon the said lots, premises and subdivisions thereof, as near as may be, in proportion as the same will be benefited by said improvement. The word "alley," as used in this chapter, shall be construed to mean only those ways or passages which bisect or divide the interior of a block. No alleys shall be opened except upon petition of the owners of the majority of the lots on the block or blocks to be intersected thereby, and upon security being given to indemnify the city against the expenses of opening said alleys.

Sec. 13. Said jury after completing the aforesaid duties shall then make in writing and each shall sign a report to said court of their doings, enclose the same in a sealed envelope, and file it in the office of the clerk of said court within thirty days after they were sworn. Jury to report.

Sec. 14. In cases where said jury shall find such improvement to be necessary, they shall state in their report the just damages and compensation ascertained and awarded by them to the owners of any private property, or to any person claiming any interest therein by virtue of a valid mortgage, lease or agreement to which said property may be subject, together with the names of such owner or claimant, if known, and a description of the property intended to be taken. In case any damage and compensation be awarded to any person claiming an interest in such property by virtue of a valid mortgage, lease or agreement to which such property may be subject, it shall be sufficient to state further in such case the name of the claimant, the date of such mortgage, lease or agreement, or assignment thereof, if there be any, by virtue of which such claimant has an interest in the property intended to be taken. Contents of report.

Sec. 15. Said jury shall also, in the case provided by section twelve, state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises or subdivision thereof which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same, and also what portion, if any, of the Ibid.

ascertained damages and compensation they have apportioned and assessed to the city of Port Huron in the case above provided for.

Court may
confirm the
report.

Sec. 16. Said report may be confirmed by said court at any term thereof, and the court shall appoint some day when it shall consider said report, and objections against the confirmation thereof on the part of all persons interested therein, whereof the city attorney shall give notice by publishing the same in the official newspaper of said city, and in one other newspaper published in said city, for two successive weeks; and he shall file in said court an affidavit of such publication before the time appointed for considering said report. Said objections shall be filed with the clerk in writing, but may be argued; and the consideration of said report and objections may be adjourned from time to time, until said report be confirmed or otherwise disposed of, as herein provided.

Report not
to be an-
nulled for
objections as
to matters
of form.

Sec. 17. Said report shall not be annulled for objections as to matters of form; all objections shall be objections of law, and to matters of substance, but the damages and compensation to be paid to any person, or the portions thereof apportioned to and assessed upon any lot of land, premises or subdivision thereof, may be inquired into, if objected to as being excessively large or small.

Objections

Sec. 18. If no objections be filed, said report shall be confirmed; but if objections be filed, said court, after considering the same, shall, in its discretion, confirm or annul said report, or may refer it back to the same jury, for the purpose of reviewing all matters, and correcting all errors therein contained, and making any alteration thereof which said court may direct, or said jury may deem just and necessary; and thereon said jury shall review, correct or alter said report in manner aforesaid, and shall return and file the same with the clerk of said court within five days after said report was referred back to them as aforesaid, and thereupon said court shall confirm or annul said report.

Sec. 19. If said report be annulled, or the jury cannot agree, ^{Proceedings when no re-} or from death, sickness, or other cause shall fail to make a re-^{port is made} port within the thirty days required above, the court may, on the application of the city attorney, designate some day in term when another jury may be had; and such jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn have the same powers and duties as the first jury. The same proceedings after they are sworn shall be had by them, and by and in said court, as provided for above after the first jury is sworn.

Sec. 20. If any juror, after being sworn, shall die, or from ^{Substitutes may be ap-} sickness be unable to discharge his duties, the court may ap-^{pointed by} point another person to serve in his place, who shall be sworn, ^{the court.} and shall have the like qualifications, powers and duties as those already sworn.

Sec. 21. Any person to whom damages and compensation ^{Appeals.} may be awarded for any of his property intended to be taken, or on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the recorder's court confirming the report of the jury, to the supreme court, by filing in writing with the clerk of said recorder's court, a notice of such appeal and specification of the errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specifications of errors on the city attorney, and filing a bond in said recorder's court, to be approved of by the recorder, conditioned for the prosecution of the said appeal and the payment of all costs that may be awarded against the appellant, in case the judgment of confirmation of the recorder's court be affirmed.

Sec. 22. In case of appeal as above, it shall be the duty of ^{Clerk to} the clerk of said recorder's court, forthwith, or as soon as ^{transmit} practicable, to transmit to the supreme court a certified copy ^{as copy of pro-} ^{ceedings to} ^{supreme} ^{court.}

of all the proceedings in the case, which may be filed in the office of any clerk of said court.

Supreme
court to de-
cide appeals.

Sec. 23. The supreme court, at any term thereof, shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of the recorder's court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any errors except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal, and the proceedings thereon to be taxed. And all costs and expenses awarded to the city of Port Huron, in case of affirmation, shall be applied on and deducted from the damages and compensation if any, to be paid to the appellant and appellants.

Errors to be
corrected by
recorder's
court.

Sec. 24. If there be a reversal for any errors which it is practicable for the recorder's court or said jury to correct, with due regard to the public interests and rights of individuals, the proceedings shall be remanded to said recorder's court, with direction that such error be corrected. Said recorder's court, at any term thereof, or (as the case may be) said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury shall be affirmed by said recorder's court, without any further right of appeal.

Annulment
of report, or
reversal of
judgment.

Sec. 25. In every case of annulment of the report of the jury by the recorder's court, or reversal by the supreme court, the common council, in behalf of said city, may, by resolution, elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants. On filing a certified copy of said resolution in the recorder's court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by the recorder's court, as to all persons interested therein except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect as above provided, all the proceedings shall be null and void, and no further proceedings shall be had, except in case

if a reversal, where the proceedings may have been remanded to the recorder's court for the correction of errors; in which case, such errors shall be corrected, and the report of the jury confirmed as above provided.

Sec. 26. If the report of the jury be confirmed by the recorder's court in any case above provided for, or if judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein, and the damages and compensation apportioned to and assessed upon any lot of land, premises or subdivision thereof, according to said report as confirmed, shall be a lien thereon from the time of the aforesaid confirmation until they are paid and satisfied.

Sec. 27. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the clerk of the recorder's court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the recorder's court, and of the order of the court confirming the same, and the clerk shall file said certified copy in the office of the clerk of the city, who shall record the same at length in a book to be provided, used and known as a book of street records. Such certified copy, such record, or a like copy made and certified by the clerk of the recorder's court, shall, in all courts and places, be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings, from the commencement thereof to the order of the court confirming the report of the jury; the common council to take possession of the premises for the uses for which they have sought to take the same.

Sec. 28. The amounts apportioned to and assessed upon all lots of land, premises or subdivisions thereof, for the benefits they will receive, shall be paid to the treasurer of said city in case of confirmation of the report of the jury, as above provided, or in case the judgment of confirmation be affirmed by the supreme court, and may be collected; and said lots, premises or subdivisions thereof, may be sold therefor in the

same manner as in the case of collection or sale for assessments to pay costs and expenses of paving streets.

Compensat'n
tendered to
owner.

Sec. 29. Within sixty days after the confirmation of the report of the jury, or after the judgment of confirmation shall, on appeal, be affirmed, the common council shall pay or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed or elected, as above provided for, to be paid by the common council; and in case any person shall refuse, the same be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person competent and entitled to receive it.

Common
council may
enter upon
and take
possession.

Sec. 30. Upon such payment, tender, or deposit in the city treasury, the same shall become a public highway, and the common council may enter upon, take possession, or convert the same to the uses and purposes for which it has been taken. A certificate of the city treasurer of such tender, payment or deposit, or record thereof in the book of street records, or certified copy of such records, shall, in all courts and places, be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken in the city of Port Huron, and of the right of the common council to take possession of and convert the same to the uses for which it has been taken.

Lease, etc.,
discharged
on confirma-
tion of rep't
of jury.

Sec. 31. In all cases where any real estate subject to any lease or agreement shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine and be discharged upon the final confirmation of the report of the jury, or upon the affirmation by the supreme court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine and be discharged only as to such part; and the recorder's

court, upon the application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners, to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter to be performed under such lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath, to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report, in writing, of their doings, to said court, which shall be filed therein within thirty days after their appointment; and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement.

Sec. 32. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in such recorder's court at any time before the final confirmation of the report of the jury; and after the final confirmation of the report of the jury, the common council shall, by a majority vote of the aldermen elect, decide whether they will pay the same or not; and if they decide not to pay the same, all further proceedings shall be abandoned, but said council shall pay all costs which have accrued to such time.

Sec. 33. For the purpose of introducing a greater uniformity in the laying out the land in said city into public streets and blocks, and to restrain persons from laying out such streets and blocks in a manner prejudicial to the interests of said city, there shall be constituted a board of commissioners upon the plan of the city, consisting of three persons, to be appointed by the common council on the nomination of the mayor; and no land within the limits of said city shall be laid out into blocks and public streets without the consent and approval of a majority of said commissioners in writing, entered upon a plan of

Compensation
of jury.

Board of
commissioners
upon the
plan of the
city.

Proviso. said land so laid out, which plan, duly acknowledged, and with said approval in writing thereon endorsed, shall be recorded in the register's office for the county of St. Clair: *Provided, however,* In cases where a parcel of land lies between parcels of land duly laid out by plats, now on record, whose streets do not correspond, in direction or size, the power of control shall not be so exercised over the platting of such intermediate parcel, in order to produce such correspondence, as to essentially diminish their value.

City clerk to be clerk of board. Sec. 34. The city clerk shall act as the clerk of said board, and plans for the approval of said commissioners may be deposited with said clerk for their action thereon, and if approved, a copy thereof shall be filed with said clerk by the person making or laying out the same.

Plans to be approved by board. Sec. 35. Any plans for laying out into public streets and blocks now existing in said city, and not acknowledged and recorded according to law, shall be of no validity until they receive the approval of said commissioners as hereinbefore provided.

Vacancies; how filled. Sec. 36. If a vacancy occurs in the office of said commissioners, or either of them, it may be filled by the common council on the nomination of the mayor.

No compensation. Sec. 37. The commissioners shall receive no compensation for their services.

CHAPTER XII.

TAXATION AND FINANCE.

Finances. Sec. 1. The revenues and moneys of the corporation shall be divided into the following funds, viz:

General fund. *First.* General fund, which shall be appropriated to defray the expenses of the city of Port Huron, for the payment of which out of some other fund, no provision is herein made.

Contingent fund. *Second.* Contingent fund, to defray the contingent expenses of said city.

Third. Interest fund, to pay the interest on the funded debt Interest fund of said city.

Fourth. Sinking fund, to pay the funded debt of said city. Sinking fund

Fifth. Fire department fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of said city. Fire department fund.

Sixth. Poor fund, to defray the expenses of providing for and taking care of the poor of said city. Poor fund.

Seventh. General road fund, to defray the expenses of repairing paved streets and alleys, and of grading, paving and improving the highways, streets and alleys of said city, in front of, or adjacent to the property of the corporation. General road fund.

Eighth. District road fund for each ward of the city, to defray the expenses of working, repairing, cleaning, and improving the highways, streets and alleys in the ward for which such district road fund is constituted and raised. District road fund.

Ninth. Sewer fund, to defray the expenses of constructing or repairing sewers in said city. Sewer fund.

Tenth. A street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending or abolishing any highways, streets or avenues in said city, under the provisions of this act. Street opening fund.

Eleventh. Street paving fund, to defray the expenses of grading, paving and graveling, McAdamizing or planking highways, streets, alleys, sidewalks and cross-walks in front of or adjacent to private property, and of putting curb-stones and culverts therein. Street paving fund.

Twelfth. Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for; which fund shall from time to time, be divided into special building funds, to defray the expenses of erecting, repairing Public building fund.

and preserving the particular building or buildings for which such special building fund may be constituted or raised.

Recorder's
court fund.

Thirteenth. Recorder's court fund, to maintain the recorder's court.

Water fund.

Fourteenth. Water fund, for reservoir and other supplies of water.

Bridge fund.

Fifteenth. Bridge fund.

Other funds.

Sixteenth. Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from any of the funds above constituted or raised.

Annual city
taxes

Sec. 2. The common council shall have power annually to levy, assess and collect taxes, not exceeding one per cent on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses, and for the purposes for which the general fund, contingent fund, fire department fund, poor fund, general road fund, and recorder's court fund, are constituted as above.

Ibid.

Sec. 3. The common council shall also have power annually to levy, assess and collect taxes on the assessed value of all real and personal estate in each ward of said city, made taxable by the laws of this State, in order to defray the expenses, and for the purposes for which the district road fund is constituted as above: *Provided*, That such taxes shall not exceed, in amount, the rates of township, road or highway taxes, as now or hereafter established by the laws of this State.

Ibid.

Sec. 4. The common council shall also have power annually to levy, assess and collect taxes, not exceeding three thousand dollars, on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses of constructing sewers, and for the purposes for which the sewer fund is constituted as above.

City clerk
to report
estimates of
taxes to be
raised.

Sec. 5. Before any taxes shall be levied, as aforesaid, for the purposes of the general fund, contingent fund, general road fund, street opening fund, district road fund, fire department fund, poor fund, sewer fund, and recorder's court fund, the city clerk shall present to the common council, in writing, his

estimate of the amount of taxes which, in his opinion, it may be necessary to raise for the ensuing year, for the purposes of said funds; shall state therein the amount estimated for the purposes of each of said funds, and also an estimate of the entire proposed expenditures for said year; whether the same is to be raised by tax, by loan, or by special assessment; and said estimate shall be published in the official paper of the city; and shall, at the same time, give to the common council any information in his power, and which they may require, concerning the finances of said city. The common council, after revising or altering said estimate, but not so as to exceed the aggregate taxes hereby authorized to be levied, shall direct the mayor, or acting mayor, to call a public meeting of the citizens of said city, to take into consideration the taxes proposed to be raised, and specified in said estimate, by publishing notice thereof in one or more newspapers published in said city, and posting the same in conspicuous places in said city, at least three days prior to the time of the meeting, which notice shall contain the substance of said estimate. Said meeting shall transact the business for which it was called. If a majority of the citizens present shall consent to the levying of the taxes specified in said estimate, then the common council shall proceed to levy, assess and collect the same, or such part thereof as may have been consented to; but if said meeting shall not consent to the levying of said taxes, the said common council may call a second meeting of said citizens, in the same manner, and which shall have the same powers as the first meeting hereinbefore provided for.

Sec. 6. The common council shall annually levy, assess, and collect, on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for the purposes of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued or to accrue on the funded debt of said city, and of the bonds of the board of education of said city for the year for which such taxes are levied; also, taxes for the purposes of the sinking funds, and also taxes

Mayor to call
meeting of
citizens.

Interest
fund tax.

for the purpose of paying such funded debt or bonds when they become due.

Sewer tax. Sec. 7. The common council shall also have power annually to levy, assess and collect a tax or assessment on all lots, premises and subdivisions thereof, drained by private sewers or drains, leading into, or connected with any public sewer or drain, which tax shall be one dollar and fifty cents on every lot, premises or subdivision thereof having a cellar; fifty cents if there be no cellar thereon, and such sums as the common council may fix for all lots and establishments drained as aforesaid, and requiring an unusual or extraordinary amount of drainage; said tax or assessment shall be credited to the sewer fund, and applied to the repairing of sewers and drains; and if the same be more than is required for such purpose, the surplus may be applied to the construction of sewers and drains.

Grading and paving taxes. Sec. 8. The common council shall also have power from time to time to levy, assess, and collect a tax or assessment on all lots, premises, or subdivisions thereof, sufficient to defray the expenses of grading and paving, graveling, McAdamizing, or planking any highway, avenue, street, lane, alley, or cross-walk in said city in front of, or adjacent to such lots, premises, or subdivisions thereof, and of putting curb-stones and culverts therein, which tax or assessment shall be credited to the street paving fund: *Provided however,* That such tax or assessment shall not, in any one year, exceed, in the aggregate, the sum of ten thousand dollars; such grading, paving, graveling, McAdamizing, planking, and putting in of curb-stones and culverts, shall be commenced and completed, and all contracts therefor shall require the same to be commenced and completed within the seven months next preceding the first day of December.

Proviso.

City bonds. Sec. 9. The bonds of said city shall be regularly dated and numbered in the order of their issuance, shall be for sums not less than one hundred dollars each, shall bear interest not exceeding ten per cent. per annum, shall be payable in not more than twenty years from date, shall be issued under the seal of the corporation, signed by the mayor and countersigned by the

city clerk. The city clerk shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid to the treasurer and credited to the fund for which it was raised, and applied exclusively to the purposes for which said fund is constituted, as above: *Provided*, That whenever there shall be in any fund a surplus more than is necessary for the purpose for which said fund was set apart or raised, the common council shall have power to apply said surplus to any other fund or funds.

Clerk to
keep record
of bonds.

Proviso.

Sec. 10. No contract shall be let or entered into for labor or materials, to be employed in the construction of a city hall building, for the use of the officers of the corporation, jail, house of correction, or market, or market building, exceeding in amount twenty-five thousand dollars in any one year.

Contracts
for public
buildings.

Sec. 11. No contract shall be let or entered into for the construction of any public work within said city not herein otherwise provided for, and no such public work shall be commenced until it shall have been approved by the common council, and a tax or assessment levied to defray the costs and expenses thereof; and no such public work shall be paid for, or contracted to be paid for, except out of the proceeds of the tax or assessment thus levied.

To be ap-
proved by
common
council.

Sec. 12. No contract for the purchase of any real estate, or for the construction of any public building, sewer, paving, graveling, planking, macadamizing, or for the construction of any public work whatever, or for any work to be done, or for purchasing or for furnishing any material, printing, or supplies for said corporation, if the purchase of said real estate, or the expense of such construction, repair, work, materials or supplies, shall exceed two hundred dollars, shall be let or entered into except to and with the lowest responsible bidder, with adequate security, and as to such work or materials, requiring mechanical

To be let to
the lowest
responsible
bidder.

Ibid.

skill, to and with practical mechanics, and as to such other work, supplies or materials, not requiring mechanical skill, to and with such persons as shall be deemed competent for the performance of any such contract, and not until advertised proposals and specifications therefor shall have been duly published in at least one newspaper published in said city, and for such period as the common council shall prescribe; and no bid shall be accepted from, or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is a defaulter, as security or otherwise, upon any obligation to the corporation, or who shall be in other respects disqualified according to the provisions of this act.

No bond to be issued except as provided.

Proviso.

Sec. 13. No loan, bond, or other evidence of debt not expressly authorized by this act, or by any act hereby continued in force, shall be made or issued by the common council or any officer of the corporation: *Provided, however,* That the common council may issue new bonds for the refunding of bonds and evidences of debt already issued, and the proper officer of the corporation may draw and issue orders on the treasury for the necessary and current expenses of the city.

Council not to borrow money except as herein provided.

Sec. 14. The common council shall not have authority to borrow, except as herein provided, any sums of money whatever on the credit of the corporation, but may authorize the city clerk to borrow from time to time on such credit, in anticipation of the revenues, such sums as may be necessary to meet the expenditures under the appropriations for the current and fiscal year.

New bonds.

Sec. 15. All new bonds issued for the refunding of bonds and evidences of debt before issued, shall show the class of indebtedness to which they belong, be issued on the best terms that can be made, be regularly dated and numbered in the order of their issuance; shall be for sums not less than one hundred dollars each; shall be issued under the seal of the corporation, signed by the mayor and countersigned by the city clerk. The city clerk shall keep an accurate record, showing the class of indebtedness to which they belong, the number,

date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued, and showing also what bonds or evidences of debt have been thereby refunded.

Sec. 16. All bonds and evidences of debt, when refunded, shall be canceled and destroyed by the treasurer in the presence of the city clerk and a special committee of the common council appointed for that purpose. He shall record and keep an accurate description of all bonds and evidences of debt thus canceled and destroyed. Refunded bonds to be canceled.

Sec. 17. All bonds and evidences of debt issued, and all contracts made or entered into contrary to or not authorized by the provisions of this [act,] shall be absolutely void. The common council shall incur [no expense] and create or pay no debt or liability contrary to or not authorized by the provisions of this act, and shall not appropriate or use the property or moneys of the corporation, except as authorized by and in pursuance of law. Bonds, etc.; when void.

Sec. 18. No claim or demand against the corporation shall be allowed or paid, or warrant on the treasury issued therefor, if the same be contrary to or is not authorized by law, and no additional allowance beyond the legal claim under any contract with the corporation, or for any service on its account or in its employment shall be allowed; no warrant on the treasury shall be drawn for any claim or demand, for the payment of which there is no money in the treasury raised or received for such purpose, or after the fund constituted and raised therefor has been exhausted by warrants previously drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for, and to be paid out of such fund. No claim to be allowed if contrary to law.

Sec. 19. No moneys shall be paid out of the treasury except upon a warrant signed by the city clerk and approved or authorized by the common council in pursuance of law; such warrant shall specify the purpose for which the amount thereof is to be paid, with sufficient clearness to indicate the particular Moneys; how paid out.

fund constituted or raised therefor, shall have endorsed thereon the name of the particular fund out of which it is payable, and shall be paid from the fund constituted for such purpose, and from no other.

Claims to be accompanied by affidavit of claimant.

Sec. 20. No claim against the corporation shall be audited or paid unless accompanied by the affidavit of the claimant, if such affidavit be required by the city clerk, that the service, labor or materials upon which such claim is based, have been actually rendered, performed or furnished; that said claim is justly due, and that no part thereof has been paid except as to the credits, if any, set forth in the account therefor.

Liabilities; limit of.

Sec. 21. The common council shall not, by warrant, draft, or order on the treasury, or by any form of contract, create any liability or expense, for the payment of which any particular fund is constituted as above, to a greater amount in the aggregate for any one year than the amount of moneys raised for and paid into such fund for the year. All warrants, drafts, orders and contracts, payable under this act out of any particular fund, and issued or made after the moneys raised for and paid into such fund shall have been exhausted by payment therefrom, or liabilities created and to be paid out of said fund, shall be absolutely void as against the corporation.

No contract for public work to be entered into with member of common council.

Sec. 22. No contract or agreement, written or verbal, to which the corporation shall be a party, or to which any officer or board thereof shall officially be a party, for the construction of any pavement, building, sewer, or performance of any public work whatsoever, or contract or agreement requiring the expenditure, receipt or disposition of money or property by the corporation, or any officer or board thereof, or creating any debt or liability, shall be let or entered into, either directly or indirectly with any member of the common council, or other officer of the corporation, either as principal or surety; and any such contract or agreement thus let or entered into shall be absolutely void.

Sec. 23. No ordinance, resolution or proceeding of the common council imposing taxes or assessments, or requiring the payment, expenditure or disposition of money or property, or creating any debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor; and every such ordinance, resolution or proceeding, shall be passed by yeas and nays, to be entered on the record.

Ordinances, etc., not to be passed at same meeting of introduction.

Sec. 24. The common council shall determine the fiscal year, and within one month after the end thereof, the city clerk shall render to the common council a full, complete and detailed statement, with tabular list, of all moneys received and expended by the corporation for the preceding fiscal year, showing on what account they were received and expended, to what funds they were credited, and out of what funds they were paid, and classifying each receipt and expenditure under its appropriate head. In such statement he shall also give, by tabular lists and otherwise, such general information as may be necessary for an understanding of the pecuniary resources and liabilities of said city, and of the condition of each fund, and may make such recommendations concerning the same as the interest of said city may require. The common council shall cause said statement to be published in the official newspaper of said city, and in such other paper or papers as the common council may direct.

Fiscal year.

Sec. 25. The common council and the city clerk, or either, may, at any time, require from the various officers and boards of the corporation, and it shall be their duty to furnish, when required, and in such form as shall be required, full and particular estimates, in detail, of the expenses of their offices or departments for the current or next ensuing fiscal year, and also full and particular accounts, in detail, of their expenses for any past year, or for any part thereof.

Estimates, etc.; duty of officers to furnish.

Sec. 26. The common council shall have power to contract with any safe bank or banks for the safe keeping of the public moneys, and for the receipt of interest, at a rate not exceeding

Deposit of city funds.

that established by law, upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund.

Negotiation
of loans.

Sec. 27. The mayor, city clerk, and chairman of the committee on ways and means, shall be a committee for the negotiation of all loans authorized by this act, except as to any loans to be made by the city clerk, under the authority of the common council, as above provided, and a majority of said committee shall have power to make such negotiations, subject to the approval of the common council.

Moneys;
how to be
credited.

Sec. 28. All taxes and moneys raised, received or appropriated for the purpose of any particular fund, shall be paid in and credited to such particular fund, and all taxes and moneys not raised, received or appropriated for the purposes of any particular fund, shall be paid in and credited to the general fund, or such other fund as the common council shall direct.

How to be
applied.

Sec. 29. The moneys belonging to the several funds of the corporation, and all taxes and moneys raised, received or appropriated for the purposes thereof, shall be applied to the purposes for which said funds are respectively constituted as above, and for which said taxes and moneys are raised, received or appropriated: *Provided, however,* That if, from any cause, there shall be, at the end of any fiscal year, a surplus in any other than the public building fund, the district road fund for each ward, and the sinking fund, over and above the actual or estimated cost of any work for which the moneys of any fund was specifically raised, such surplus shall be transferred and credited by the treasurer as the council may direct.

Proviso.

Not to be
transferred
from their
appropriate
funds.

Sec. 30. Moneys shall not be transferred from one fund to another, and the moneys received and property belonging to one fund shall not be credited to any other or different fund, except to the sinking fund, as above provided; but the city clerk shall have the power to divide the several funds above

constituted into special funds, to defray special expenses belonging to the same class of expenses, for the payment of which said several funds are above constituted, unless there shall be a surplus as above provided.

Sec. 31. The mayor, city clerk, treasurer, and committee on ways and means, and their successors in office, by virtue of their offices, shall be a board of commissioners of the sinking fund. They shall, from time to time, upon the best terms they can make, purchase or pay the outstanding funded debt of said city, or such part thereof as they may be able to purchase or pay, until the same be fully purchased up or paid; and all bonds and evidences of debt thus purchased or paid, shall be delivered to the treasurer, and shall become and be the property of the commissioners of the sinking fund, and the interest thereon shall be credited and belong to the sinking fund; and whenever they cannot arrange for purchasing or paying the said debt, or any part thereof, they shall temporarily, and until they can so arrange, invest the moneys belonging to said sinking fund in such securities, paying an interest of not less than seven per cent, as they may deem safe and advisable. Said commissioners shall, from time to time, and whenever requested by the common council, make report of their doings, which report shall be made to the common council, referred to and filed with the city clerk, and recorded by him in some proper book to be provided for the purpose.

Sec. 32. Said board of commissioners of the sinking fund shall be a board of the corporation within the meaning of this act, and shall be subject to the provisions of any existing or future ordinances of said city relative to the sinking fund; they shall meet from time to time for the transaction of business, and may adopt rules of proceeding at their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in or pay the outstanding funded debt of said city, or invest any of the moneys belonging to the sinking fund, as above provided, except under a resolution for such purpose passed and approved by the vote

Commissioners
of sinking
fund; powers
and duties of

To be a
board of the
corporation.

A quorum.

Mayor to
preside.

of a majority of the whole board, and by yeas and nays to be entered of record. The mayor, or, in case of his absence, some member, to be appointed by those present, shall preside at their meetings. They shall appoint one of their members secretary of the board, whose duty it shall be to keep a true record of its doings.

Treasurer.

Sec. 33. The treasurer shall have the custody of all moneys, securities, and evidences of value, belonging to or pertaining to the sinking fund, and shall pay out the moneys of said fund only by order of the commissioners, or a majority thereof, and upon the warrant of the city clerk.

Indebted-
ness; how
secured.

Sec. 34. The faith and property of the city of Port Huron shall remain pledged for the final payment of all bonds issued, and of all moneys borrowed by authority of and in accordance with this or any other act of the Legislature of this State.

Malfesance
in office;
how pun-
ished.

Sec. 35. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation, or any board thereof, to his own use, or shall, directly or indirectly, and knowingly appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfesance in office, and may be prosecuted, tried and convicted therefor, and on conviction may be punished by fine not exceeding one thousand dollars, and imprisonment in the State prison, jail of St. Clair county, or jail of said city, not exceeding three years, or either, in the discretion of the court.

CHAPTER XIII.

ASSESSOR.

Sec. 1. There shall be an assessor appointed by the common council, upon the recommendation of the mayor, who shall hold his office for the term of three years, and shall receive such compensation as the common council may determine.

Sec. 2. The said assessor shall, between the first days of ^{Duties of} February and April, in each year, assess all the real and per- ^{assessor.} sonal property subject to assessment or taxation by the laws of this State, within the limits of each ward respectively of said city, and shall within the same period, make out and complete the assessment rolls, one for each ward respectively, in books to be provided for that purpose by the common council, and to be delivered to said assessor on or before the first day of January in each year: *Provided, however,* That the assessment ^{Proviso.} of real and personal property, made in the year eighteen hundred and fifty-eight, shall be and remain the basis of taxation within said city for the year one thousand eight hundred and fifty-nine, and until the assessment for the year one thousand eight hundred and sixty shall have been made out.

Sec. 3. The assessor, together with the supervisor of the ^{Supervisors} respective wards of the city of Port Huron shall be and are hereby vested with the powers and duties of supervisors, as provided by the laws of this State, not inconsistent with the provisions of this chapter; and said assessors and supervisors shall attend the annual session of the board of supervisors of the county of St. Clair, in October, and all other sessions thereof, and shall represent the interests of this corporation in such board.

Sec. 4. If any lot or lots shall lie partly in two or more ^{Assessment} wards the same shall be assessed in the ward where the greater ^{of property.} proportion of such lot or lots is situated, and the said assessor shall describe all lands, tenements and subdivision thereof subject to assessment or tax in said city by referring to the number and section of the lot and the owner or occupant thereof, and if the number and section of any lot or the owner and occupant thereof cannot be ascertained, then by such other sufficient description as such assessor may deem proper, and if by mistake or otherwise, any person may be improperly designated as the owner of any lot, tenement or premises, such assessment or tax shall not for that cause be vitiated, but the

same shall be a lien on such lot, tenement or premises, and collected as in other cases.

Authority of
assessor.

Sec. 5. The assessor shall have power and authority to demand of every person owning or having charge, as agent or otherwise, of any property taxable in any ward, a list of such property, with such description as will enable him to assess the same, which demand may be made in writing and by delivering the same to such person, or by leaving the same at his place of residence with some person of proper years and discretion; and if the person of whom such demand may be made shall not within ten days thereafter deliver to such assessor a list of the property in said ward belonging to him or her, or under his or her charge, with a correct description of the same, or if he shall omit any such property in the list delivered, said assessor shall have power and it shall be his duty to assess such property upon such knowledge or information as may be satisfactory to him, at its cash value, and according to his best judgment and discretion.

Board of
review.

Sec. 6. Said assessor shall make out and complete the entire assessment rolls for the respective wards, and after all the rolls have been completed, the said assessor, together with the city clerk, and chairman of the committee on ways and means, shall meet together on the first Monday of April in each year, in the common council room in said city, and organize as a board of review for the purpose of hearing complaints of any and all persons against any assessments contained in any of said rolls, and altering or correcting the same, as the majority of the board shall deem proper. Said board shall continue in session from day to day from nine A. M., until twelve o'clock noon, for the space of three days, which period may be extended by order of the common council not exceeding ten days; and any person considering himself aggrieved in the premises, may complain thereof verbally or in writing before the board of review; and on sufficient cause being shown by the affidavit of such person or by other evidence, to the satisfaction of such board, they shall review the assessment complained of, and may alter or

Sessions of.

correct the same as to the person charged thereby, the property described therein and the estimated value thereof. The concurrence of a majority of all the board shall be sufficient to decide any question of altering or correcting an assessment complained of. The board or a majority of them having completed the review and correction of their assessment rolls, shall respectively sign and return the same to the common council. The members of said board shall receive no compensation for their services while acting on said board, other than their salaries, excepting the chairman of the committee on ways and means, who shall receive such compensation as the common council shall prescribe.

To receive no compensation.

Sec. 7. At the meetings of the board of review, as required by the preceding section, they shall have the same power to review, correct and equalize the assessment rolls of the several wards which supervisors now or hereafter may have by law to review, correct and equalize the assessment rolls of townships in the respective counties of this State.

To have same power as supervisors.

Sec. 8. The city clerk shall cause a notice to the tax-payers of said city to be published in the official newspaper of the city, and in one other newspaper published in said city for two weeks prior to the time of the first meeting of said board of review, stating the time and place of meeting of said board, and the object for which it will meet, and the length of time it will continue its sessions. Said notice shall be published in said newspapers, on each publication day thereof, until the expiration of the time provided above for the sitting of said board.

Notice of meeting to be published

Sec. 9. The common council, after the expiration of said period in which the board of review are to sit, as above provided, for reviewing their assessment rolls, shall, at its next regular session, proceed to consider said assessment rolls; and any person aggrieved by the assessment of his property, and the decision of such board of review thereon, may appeal to the common council at said regular session. Every appeal shall be in writing, and shall state specially the grounds of the appeal, and the matter complained of, and no other matter

Common council to consider assessment rolls.

shall be considered by the common council. While acting upon said assessment rolls or appeals, any member of said board may meet with the common council, and make such explanations as they may deem requisite in any case.

Common council to hear and determine appeals.

Sec. 10. The common council shall hear and determine all appeals in a summary manner, and correct any errors which they may discover in the assessment rolls, and may place thereon the names of any persons, and the descriptions of any property not already assessed, and assess the same, and may increase or diminish any assessment, as they may see fit: *Provided*, That they shall not increase any assessment of property without giving a reasonable opportunity to the persons owning or having charge of the same, if known, to appear and object thereto.

Provided.

Time for hearing appeals limited

Sec. 11. The common council may continue the consideration of said assessment rolls, and the hearing of said appeals, from session to session, for a period not exceeding five days after the time when they are to be first considered as above provided and on or before the expiration of said period of five days, they shall be fully and finally confirmed by the common council and shall remain as the basis of all taxes to be levied and collected in the city of Port Huron, according to property valuation, until another assessment shall have been made and confirmed as above provided for.

City clerk to cause taxes to be assessed.

Sec. 12. After the assessment rolls shall have been fully and finally confirmed as provided in the preceding section, it shall be the duty of the city clerk to cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named, or lot or property described, upon and according to the aggregate valuation such person or lots, or property shall have been assessed in said assessment rolls or book prepared for that purpose, to be known as the tax roll for each ward, in separate columns, showing the amount of highway, sewer, school and city taxes assessed to each person or lot, or property, in each

ear; and the city clerk shall cause the said rolls or book to be completed and delivered to the city treasurer, on or before the third Monday of June, in each year, who shall give a receipt therefor and be charged therewith, and who shall retain said rolls or book in his office, until such day as shall be designated by the common council, but not exceeding sixty days in each year, during which time any person assessed therein may pay the amount of taxes assessed against each person respectively, to said treasurer, who shall receive and give a receipt herefor, and mark the same paid upon the proper roll; and after the expiration of the time for the payment of taxes to the treasurer, as aforesaid, the treasurer shall then cause to be made out, copies of the taxes remaining due and unpaid on each assessment rolls for each ward, and warrants authorizing the collection thereof, together with such percentage as shall have been fixed by the common council as compensation for the collection of such taxes or assessment, and to be stated in such warrants, may be issued and annexed to each tax or assessment roll, signed by the city clerk and under the corporate seal of the city, directed to the proper collector of the city, and made returnable upon such day as shall have been designated by the common council, commanding him to collect from the persons named in the assessment rolls, the assessment or taxes herein specified and set forth as due from such persons, and for such purpose, if necessary, to levy upon and sell the personal property of such person, occupant or lessee refusing or neglecting to pay the same, whenever and wherever the same may be found within the limits of said city, and to pay over and account for the taxes or assessments then collected according to law. The treasurer shall charge the amount of taxes remaining unpaid upon said rolls, to the collector or collectors of said city receiving the same, respectively, and shall also take a receipt therefor. Warrants for the collection of taxes or assessments, may be extended or renewed from time to time, as the common council shall direct.

To deliver rolls to treasurer.

Treasurer to give receipt therefor.

When warrant to issue for collect'n of tax.

Levy and sale of property, etc.

Power and
duty of
collector.

Sec. 13. By virtue of said warrants, the collector or collectors to whom they may be directed, shall have power to levy upon the personal property of persons from whom taxes may be due, wherever and whenever the same may be found within the limits of said city, and shall sell the same in the same manner, and with the same duties and powers of proceeding as now, or hereafter may be provided by the laws of this State for the collection of State and county taxes by township treasurers or collectors; and all moneys thus collected shall be paid over by the collector or collectors to the treasurer of said city, at such times and under such regulations as shall be prescribed by the common council.

Taxes to re-
main a lien
on property
assessed.

Sec. 14. Every assessment or tax lawfully levied or imposed by the authority of the common council, on any lands, tenements, hereditaments or premises whatsoever in said city, shall be and remain a lien upon such lands, tenements, hereditaments or premises, from the time of making such assessment or imposing such tax until paid; and the owner or occupants of, or parties in interest in said real estate, shall be liable on demand to pay every such assessment or tax; and if there be default in paying the same or any part thereof, or if such person or persons be non-residents of said city, and goods and chattels cannot be found, out of which to collect such assessment or tax, by levy and sale, hereinbefore provided, it shall be lawful for said common council to cause a notice to be published in the official newspaper of said city, for four successive weeks, requiring the owners or occupants of, or parties in interest in such lands, tenements, hereditaments or premises to pay such assessment or tax, and that, if default be made in making such payment, such real estate will be leased at public auction, at a day and place to be specified in said notice, for the longest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the costs and charges of such sale.

Unpaid
taxes; how
collected.

Sec. 15. If the owners or occupants or parties in interest in such real estate do not pay such assessment or tax, with the

costs and charges, within the period above prescribed for the publication of said notice, then the said common council shall have power, without any further notice, to cause such real estate to be leased at public auction for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs and charges, and to direct the execution of a proper certificate of such lease to the purchaser thereof; and if such real estate shall not be redeemed within one year after such sale thereof When clerk may execute lease. as hereinafter provided, the city clerk shall, in the name of and for the city of Port Huron, execute and deliver to such purchaser, or his assignee, a proper lease or conveyance of such real estate for the term for which the same was sold, which deed shall, in all courts, be *prima facie* evidence of the regularity of all the proceedings under which the sale was made and said lease was executed, up to the date of the lease, and of the regularity of the lease; and any person who shall, under such lease, enter into any such real estate and erect or place any building or building materials thereon, or otherwise improve the same, shall have the right, at any time within three months after the expiration of said term, or in case the person so holding shall be ousted before the expiration of such term by any person claiming adversely to said lease, then within three months after trial, judgment of ouster or ejectment, and payment of the rent thereon, to remove such building or building materials or other improvements from said real estate.

Sec. 16. When any lands, tenements, and hereditaments shall be sold, according to the foregoing provisions, for the Redemption of lands so leased. payment of any assessment or tax, as aforesaid, if the owners or occupants of, or parties in interest in the same shall, within one year after such sale, deposit with the treasurer of said city for the use of the purchaser, the full amount of assessment or tax for which such real estate was sold, and such interest as the common council shall prescribe as hereafter authorized, together with the amount of the costs and charges, then the term for which such real estate was sold shall cease and be de-

terminated at the time of making such deposit, subject, however, to the right of the purchaser, his heirs, executors, administrators or assigns, to remove any building or building materials as hereinbefore provided.

Occupants of real estate to be liable for taxes.

Sec. 17. Any person in possession of any real estate at the time any tax is to be collected, shall be liable to pay the tax imposed thereon; and in case any other person, by agreement or otherwise, ought to pay such tax or any part thereof, the person in possession, who shall pay the same, may recover the amount paid from the person who ought to have paid the same, in an action of assumpsit, as for moneys paid out and expended for his use and benefit.

Interest to be charged on unpaid taxes.

Sec. 18. The common council shall have power to charge interest at a rate not exceeding fifty per cent. per annum, after the return of any tax or assessment, and twenty-five per cent per annum from the time of sale, on the amount of any assessment or tax, for the non-payment of which any lands, tenements or hereditaments may be sold, and upon the amount to be paid upon the redemption of any such real estate and premises so sold.

Rights of purchasers of property leased for taxes.

Sec. 19. Any person who shall, at such sale, purchase for a term of years any lots, grounds or wharves, shall have the right to remove any building or building materials, or other improvements or other personal property erected or deposited by or belonging to him or any person holding under him or her, and situated on said lots, grounds or wharves, at any time within three months after the expiration of the term of time for which the same was sold, as specified in section fifteen of this chapter.

Clerk to issue conveyances in the name of the corporation.

Sec. 20. The city clerk, or in his absence the mayor, may execute, in the name of the corporation, and under its corporate seal, proper conveyances, or certificates of sale of all lands, tenements or hereditaments sold for assessments or taxes, which, when duly acknowledged and attested by the city clerk, may be recorded as other conveyances of land under the laws of this State.

Sec. 21. It shall be the duty of the city clerk to bid in for the corporation, at any sale of real estate for assessments or taxes, every lot of land or premises for which no person shall offer to bid; and if any purchaser should refuse or neglect to pay the sum or sums bid by him within the time and under the regulations prescribed by the common council, such bid shall inure to the use and benefit of the corporation, if the common council so elect. Upon all such bids by the city clerk, and all bids inuring as aforesaid to the use and benefit of the corporation, conveyances or certificates of sale may be executed by the city clerk to the corporation, acknowledged, attested by the seal of the city, recorded in the same manner as above provided in other cases of sale for assessments or taxes. And the city clerk, under such regulations as the city council may make, may sell and convey the title or claim thereby acquired, and the purchaser shall have the same rights in regard thereto as if he had purchased the same at the original sale.

Clerk to bid
for real es-
tate in cer-
tain cases.

Sec. 22. All conveyances, certificates of sale, and leases of any lands, tenements or hereditaments, executed by the corporation or any of its officers by virtue of this act, shall be taken and received in all courts and proceedings as *prima facie* evidence of the regularity of the proceedings on which such conveyances, certificates of sale, lease, or any title claimed thereby are founded.

Conveyances
to be taken
as evidence.

CHAPTER XIV.

MISCELLANEOUS.

Sec. 1. The corporation created by this act shall pay and discharge all the debts, obligations, contracts and liabilities of the council and freemen of the city of Port Huron, and suits may be brought and prosecuted thereon against said corporation, in law or equity, to the same effect as they could be brought and prosecuted against the freemen of the city of Port Huron, if this act had not been passed.

New corpora-
tion to be
responsible
for debts,
etc., of the
old.

All public
property,
etc., to be-
long to new
- corporation.

Sec. 2. All property, real, personal and mixed, and rights of property in law or in equity, and all debts, fines, penalties, forfeitures, rights and causes of action, and all rights and powers not inconsistent with the provisions of this act, which belong, have accrued or may accrue to the council and freemen of the city of Port Huron, or to the inhabitants of the city of Port Huron, in their corporate capacity, shall be and the same are hereby declared to be fully and absolutely vested in the corporation created by this act, and to be held subject to the provisions thereof, and may be prosecuted for and recovered or claimed, asserted and maintained by said corporation, in its own name, or in any other lawful manner.

Prosecut'ns,
etc., to be
continued.

Sec. 3. All writs, prosecutions, actions and causes of actions, now in suit, and instituted or commenced by or against the city of Port Huron, shall continue and may be prosecuted to the end thereof to the same effect as if this act had not been passed.

Rights, etc.,
to remain
intact.

Sec. 4. All causes of action, rights and liabilities of individuals, of the State, and of bodies corporate, shall continue and remain as if this act had not been passed, except of the council and freemen of the city of Port Huron, whose act of incorporation is hereby repealed.

Acts now in
force not to
be invalida-
ted.

Sec. 5. This act shall not invalidate any legal act done by the council of the city of Port Huron, or by the common council, or any officer of said city now or heretofore in office.

Old ordinan-
ces, etc., to
remain in
force.

Sec. 6. All ordinances, by-laws, regulations, resolutions and rules of the common council of the city of Port Huron, not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council under this act, and after the same shall take effect.

Residence
not to rend'r
any officer
incompetent

Sec. 7. No person shall be an incompetent judge, justice of the peace, or other officer, witness or juror, by reason of his being an inhabitant or freeholder in the city of Port Huron, in any prosecution or proceeding in the recorder's court, in any action or proceeding in which the corporation shall be a party in interest, or in any judicial or other proceeding.

Sec. 8. The record of any ordinance or resolution enacted or passed by the common council, made by the clerk, as required of the clerk in this act, or a copy thereof, certified by such clerk, under the seal of the corporation, shall be presumptive evidence in all courts, places and proceedings, of the due passage of such ordinance, and of its having been duly published; copies of all other records and papers duly filed in and pertaining to the office of the clerk, certified by him, under the seal of the corporation, shall be evidence in all courts and places, to the same effect as the originals would be if produced.

Certified record of ordinances to be received as evidence.

Sec. 9. Proof [of] the requisite publication of any ordinance, resolution or other proceeding, required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the clerk of the city, or any other competent proof shall, in all courts and places, be conclusive evidence of the legal publication of such ordinance, resolution or other proceeding.

Affidavit of publisher to be evidence of publication.

Sec. 10. All ordinances and by-laws of the common council printed by their authority, shall, in all courts, places and proceedings, be received without further proof as *prima facie* evidence thereof, and of their legal enactment and publication.

Ordinances printed by order of common council to be received as evidence.

Sec. 11. Any person required to take an oath or affirmation, or to make any affidavit or statement under oath or affirmation, under any provision of this act, who shall, under such oath or affirmation, in any such statement or affidavit, or otherwise, willfully swear falsely as to any material matter, shall be guilty of perjury, and may be prosecuted therefor, and on conviction, punished as in the case of perjury under the general laws of this State.

Perjury.

Sec. 12. This act shall be deemed a public act, for all purposes.

Public act.

Sec. 13. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by

Costs to be allowed in certain suits.

the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Term of
office of cer-
tain officers.

Sec. 14. All the officers of said city who may be in office at the passage of this act, shall continue to exercise the duties of their respective offices until the term for which they were elected shall have expired, and until their successors are elected and qualified.

Recorder's
court.

Sec. 15. The recorder's court shall possess all the powers of courts of common law, and courts of record in this State, to carry into effect the jurisdiction and powers conferred upon it by this act, and under any general law of this State.

Process; how
shall run.

Sec. 16. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or clerk of said city, at least ten days before the day of appearance mentioned therein.

Justices of
the peace.

Sec. 17. The justices of the peace in the said city exercising civil jurisdiction, shall be deemed justices of the peace of the county of St. Clair, and shall be subject to the general laws of the State in relation to civil and criminal causes before justices of the peace; and appeals from their judgment may be made in criminal cases only to the recorder's court of the city of Port Huron, in the same manner as appeals from justices' judgments in towns are made to the circuit courts of this State in criminal cases arising in said city.

Powers and
duties of.

Sec. 18. The justices of the peace of said city shall have all the authority of justices of the peace in towns in criminal matters, and shall have all the authority, and perform all the duties hereinbefore provided and required of them, and hold a session of court daily, if necessary, and shall make a report to the common council of all fines and penalties which they have collected as often as they shall be required by the common council; and in all criminal cases commenced before said justices of the peace, when the offense shall have been committed in said

city, and not cognizable before a justice of the peace, he shall commit the offender, or take his recognizance to appear before the recorder's court at the then current, or next ensuing term, in the same manner, and with the like effect as would otherwise be done to the circuit court, except offenses not cognizable before said recorder's court.

Sec. 19. All suits which shall be brought to recover any penalty or forfeiture for the violation of any ordinance of the common council shall be brought in the name of the people of the State of Michigan, under the direction of the common council or of the attorney of said city; and no person, being an inhabitant, freeman or freeholder of the said city, shall be disqualified for that cause from acting as a judge, justice or juror in the trial or other proceeding, in any suit brought to recover a forfeiture or penalty for the violation of this provision of this act, or for the violation of any ordinance of the common council, nor from serving any process or summoning a jury in such suit, or from acting in any such capacity, or being witness on the trial of any issue, or upon the taking or making any inquiry or assessment, or any judicial investigation of facts, to which issue, inquest, or investigation, the said city, or any city or ward officer, is a party, or in which said city or such officer is interested; nor shall any judge of any court be disqualified to hear and adjudicate on any appeal in any matter originating in said city, because he is an inhabitant thereof.

Sec. 20. The records and minutes of proceedings, and books in which ordinances shall be recorded, or any of the proceedings, rules or regulations of the school board shall be kept, shall be *prima facie* evidence of all matters recorded or entered therein, and shall be received as evidence in all courts at law and in equity.

Sec. 21. All acts or parts of acts relating to the city of Port Huron, repugnant to or inconsistent with the provisions of this act, are hereby repealed.

Sec. 22. This act shall take immediate effect.

Approved April 5, 1869.

[No. 453.]

AN ACT to repeal subdivision number eight, of section one, of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and all other acts or parts of acts, which authorize the laying out and establishing of the Marquette and Bay DeNoc swamp land State road.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, of act one hundred and seventeen, of session laws of eighteen hundred and fifty-nine, shall be amended so as to read as follows:

Certain roads
ordered to be
laid out.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established by commissioners, to be appointed by the Governor, by and with the advise and consent of the Senate, upon the most direct and eligible route between the places hereinafter designated, the following State roads:

1. A road from or near Ionia, in Ionia county, to Houghton lake, in the county of Roscommon, to be known as the Ionia and Houghton lake State road.

2. A road from the south line of Newaygo county, through Newaygo, in the county of Newaygo, to Northport, to be known as the Newaygo and Northport State road.

3. A road from Port Huron, in the county of St. Clair, to Bay City, via Vassar, thence westwardly to the meridian township line, between ranges two and three west; thence southerly to St. Johns, in Clinton county, to be known as the Port Huron, Bay City and Clinton road.

4. A road from East Saginaw, in the county of Saginaw, to Bay City, in Bay county, and thence via Ottawa Bay to the river Sauble, to be known as the East Saginaw and Sauble State road.

5. A road from Lexington, in Sanilac county, westwardly, to the Flint river, in the county of Lapeer.

6. A road from St. Mary's Falls to the Straits of Mackinaw, to be known as the St. Mary's and Mackinaw State road.

7. A road from the village of Ontonagon, southerly, to the State line, to be known as the Ontonagon and State line road.

8. A road from Houghton village, by way of L'Anse Bay, to the Wisconsin State line, to be known as the L'Anse Bay and State line State road.

Approved April 5, 1869.

[No. 454.]

AN ACT appropriating two sections of State swamp land to complete the Olio and Chesaning State road.

SECTION 1. *The People of the State of Michigan enact, That* ^{Swamp land appropriated} to secure the completion of the Olio and Chesaning State road, there be and hereby is appropriated two sections of State swamp land, to be selected from the State swamp lands in the Lower Peninsula now in market, to be expended under the direction of the Swamp Land State Road Commissioner, in pursuance of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereof.

Approved April 5, 1869.

[No. 455.]

AN ACT to lay out and establish a swamp land State road from the north-east corner of township three north, of range sixteen west, in Allegan county, east along the town lines of Saugatuck, Laketown, Manlius and Fillmore, in said county, to the Allegan and Holland road, running from Allegan, in Allegan county, to Holland, in Ottawa county.

SECTION 1. *The People of the State of Michigan enact, That* ^{Commissioners appointed} Samuel Underwood, Franklin B. Wallin and John Lucas, of Allegan county, be and they are hereby appointed commissioners to lay out and establish a State road, from the north-

east corner of section three, in the township of Saugatuck, in said county, east along the town line between the townships of Saugatuck and Laketown, Manlius and Fillmore, to the east town line of said township of Fillmore; said road to be laid out and constructed under the provisions of an act entitled "An act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches," number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, to be known as the Saugatuck and Overisel State road.

Swamp land
appropriated

Provided.

Sec. 2. To secure the construction of said road, there is hereby appropriated one section of swamp land to each mile of said road, to be used and disposed of in the construction of said road, according to the provisions of the act aforesaid, and the acts amendatory thereof: *Provided*, That said lands, hereby appropriated, shall be selected and taken from the State swamp lands in the Lower Peninsula.

Deficiency of
land not to
create a lien
ag't State.

Sec. 3. No deficiency of State swamp lands, which may now or hereafter exist, to meet any appropriation made by this act, shall be so construed as to create any lien or establish any claim against the State.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 456.]

AN ACT to reincorporate the village of Galesburg.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the county of Kalamazoo, and State of Michigan, and designated as follows, viz: Commencing at a point where the half quarter line on the west half of section twenty-four, in township two south, of range ten west, in said county, intersects the Kalamazoo river at the north bank of said river, running thence north to the north-west corner of south-east quarter of the north-west quarter

of section thirteen, in said township, thence east to the north and south quarter line of section eighteen, of township two south, of range nine west, in said county, thence south along said quarter line to the Kalamazoo river, thence along the edge of the river to the place of beginning, be and the same is hereby constituted a village corporate under the name of the village of Galesburg.

Sec. 2. The following officers of the corporation shall be elected by the qualified electors of said village, at the annual village election, to be held on the first Monday of March next, viz: One president, one recorder, one treasurer, two assessors, who shall act in concert, and six trustees. Three of said trustees shall then be elected for one year, and three of said trustees shall then be elected for two years; and annually thereafter, on the first Monday of March, there shall be elected, by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified; and three trustees, who shall hold their offices for two years, and until their successors shall be elected and qualified; also, one marshal, one pound master, two fire wardens, three street commissioners, and one overseer of highways: *Provided*, That if an election of such officers shall not be made on said first Monday of March, it shall be lawful to hold such election at any time, by giving notice thereof, as provided in this act.

Officers and
terms of
office.

Proviso.

Sec. 3. The president and trustees of said village shall be a body corporate and politic, under the name of "The common council of the village of Galesburg," and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law or equity, and in all other places whatever; and may have a common seal and may alter and change the same; and by the same name are

Body cor-
porate and
politic.

hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said village.

Council to
appoint
certain
officers.

Sec. 4. The common council may also appoint all such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties; but any such appointment shall be made at a regular meeting of the common council.

Officers to be
electors.

Sec. 5. No person shall be elected or appointed to any office created by this act, unless at the time of such election or appointment, he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment.

To take oath
and file se-
curity. ==

Sec. 6. All officers elected under the provisions of this act, and all officers appointed by the common council, shall, within ten days after notice of their election or appointment, take and subscribe, before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, and file the same with the village recorder; the treasurer, marshal and overseer of highways, before they enter upon the duties of their office, and within the time limited for filing the official oath, shall file with the village recorder such security for the due performance of the duties of their office as may be required by law or any order of the common council, to be approved by the common council.

When shall
enter upon
their duties.

Sec. 7. All officers elected or appointed in pursuance of the provisions of this act, shall enter upon the duties of their offices immediately upon filing the required oath and security. All officers elected to fill a vacancy, shall hold for the residue of the unexpired term thereof, and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office not to exceed one year, or until the same expires by its terms of appointment, or until the

common council revoke their appointment or accept the resignation of such officer.

Sec. 8. The president, trustees, treasurer, recorder and assessors, and all officers appointed by the common council, shall each receive such compensation for their services as the common council shall from time to time direct, by resolution entered upon their records. Removal of officers.

Sec. 9. The common council shall have power to remove from office any officer appointed by them, for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council; but such removal shall not exonerate any such officer or his sureties from any liability incurred. Compensation of.

Sec. 10. The resignation of any officer authorized by this act to be elected or appointed, shall be made to the common council, subject to their approval or acceptance. Resignation.

Sec. 11. If any officer elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office under the provision of this act, shall neglect to file their oath of office as in this act directed, or shall neglect to file an official bond when the same is required, within the time herein limited, such neglect may be deemed a refusal to serve; and in case of such neglect, the common council may proceed immediately to cause such office to be supplied as in case of a vacancy. When office shall be deemed vacant.

Sec. 12. In case a vacancy shall occur in any of the offices, the same may be supplied by appointment by the common council. Vacancies; how filled.

Sec. 13. The president, recorder and treasurer shall constitute a board of registration for said village, who shall be provided with a suitable registry book to be kept in the custody of the recorder; and said registry board shall be in session at the recorder's office in said village, on Saturday next preceding the annual election in each year, from the hours of nine o'clock A. M. until twelve o'clock M., and from two o'clock until five Board of registration; when shall be in session

o'clock P. M., for the purpose of registering the names of legal voters. Said board of registration shall have the same powers and be governed by the same rules and regulations, in relation to said village, that township boards of registration have in relation to the regulations of the legal voters of a township.

Who to be electors.

Sec. 14. The inhabitants of said village, being electors under the constitution of the State of Michigan, and the provisions of this charter, and no others, shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "village," instead of "township," being used in the oath.

Annual elections; when to be held.

Sec. 15. The annual village election shall be held on the first Monday of March in each year, and special elections may be held at such times as the common council shall, by resolution entered upon their records, designate.

Notice of.

Sec. 16. Notice of the time and place of holding any election shall be given by the village recorder, five days before such election, by posting such notice in three public places in said village, and by publishing the same in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election as fully as the same is set forth in the resolution appointing such election; and on the day of elections held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall continue open until four o'clock in the afternoon of the same day.

Polls; when opened and closed.

Inspectors of election.

Sec. 17. The common council of said village, or any three of its members, shall be the board of inspectors of election, and the recorder of said village shall be the clerk of such board; if the recorder be absent, then any one of the trustees may act as clerk.

Manner of conducting elections.

Sec. 18. Elections held in pursuance of the provisions of this act, shall be conducted, as nearly as may be, in the same man-

ner as is provided by law for holding of general and special elections in the State of Michigan, except as herein otherwise provided, and the inspectors shall have the same powers and authority for the preservation of order, during the time of holding the election and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State.

Sec. 19. It shall be sufficient to keep one poll list at any election held for said village; and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon certify and declare in writing the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours after such certificate shall have been so filed, the common council shall convene at their usual place of meeting, and then determine what persons are elected to the several offices respectively, and cause such determination to be entered upon their records; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall determine by lot which of such persons shall be considered elected.

Poll list.

Certificate of election.

Council to determine what persons are elected.

Sec. 20. It shall be the duty of the village recorder, within five days after the meeting and determination of the common council, as provided in section nineteen, to notify each person elected, of his election; and also, within five days after the common council shall appoint any person to any office, the recorder shall notify such person of such appointment.

Recorder to notify persons of their election.

Sec. 21. The expenses of all elections to be held as provided by this act, shall be chargeable to said village, and paid as are other contingent expenses.

Expenses of election; how paid.

Sec. 22. Each and all of the officers of said village, including firemen and officers of the fire department, and such

Duties of officers.

other officers and agents as may be appointed by the common council, shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in and by any ordinance of said village, or by any order or resolution of the common council

President to be chief executive officer of village

Sec. 23. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village. It shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions and regulations of the common council, to be observed and executed; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be resolved upon by them, and in general, to maintain the peace and good order, and advance the prosperity of the village; and whenever, in his opinion, the peace and safety of the inhabitants of the village require it, he may at any time appoint one or more special policemen or watchmen, who shall be conservators of the peace, and who shall have the same power to make arrests and suppress disturbances as is conferred by this act upon the village marshal.

To recommend measures.

To appoint policemen.

Duties of trustees.

Sec. 24. It shall be the duty of every trustee in said village to preside at elections when necessary, to attend the regular and special meetings of the common council, to vote upon all motions, to act upon committees when thereunto appointed by the president, and to assist the president in maintaining peace and good order, and in advancing the prosperity of the village.

Trustees not to become surety or be interested in any contract

Sec. 25. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from said village, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expenses or consideration whereof are to be paid by said village, or become security for the performance of any official act or duty to be done or

performed by any person elected or appointed to any office under the provisions of this act.

Sec. 26. The village recorder shall safely keep the corporate seal, and all the books, papers and files belonging to said village, and shall make a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained; and he shall keep an accurate account, in books provided for such purpose, under appropriate heads, of all expenditures and of all orders drawn upon the village treasury, which account shall specify the purpose for which such orders were drawn.

Sec. 27. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received, and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the recorder and countersigned by the president; and he shall exhibit to the common council as often and for such periods as they may require, a full and detailed account of all receipts and expenditures, and shall also exhibit a general statement, showing the financial condition of the treasury, and all other matters relating to his office, at each annual election.

Sec. 28. The village marshal shall be chief of the police of the village, and he shall see that the laws are enforced; it shall be his duty to collect village taxes, to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by laws on constables elected in townships; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act, or the by-laws and

To imprison persons found drunk ordinances of the village, and to take such person before any justice of the peace of the town of Comstock, to be dealt with as the laws and ordinances of said village shall provide, and may apprehend and imprison any person found drunk in the streets of said village, until such person shall become sober; and he shall have power to enter into any disorderly or gaming house, or dwelling house, or any other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command assistance, in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary: *Provided*, That nothing in this act shall be construed into his serving processes issued by justice of the peace in civil cases.

To enter disorderly houses.

Provide.

Common council; who to constitute.

Sec. 29. The president and trustees, when assembled and duly organized, shall constitute the common council of the village of Galesburg, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; but no tax or assessment shall be ordered, nor any appointment of any person to any office be made, nor shall any person be removed from office, except by a vote of two-thirds of the members of the common council.

When shall meet.

Power of council to levy fines on members.

President pro tem.

Sec. 30. The common council shall meet at such times and places as it shall determine, and at such other time and places as the president, or in case of his absence, the president *pro tempore* shall appoint; the common council shall have power to impose, levy and collect such fines as it may deem proper for the non-attendance of the officers and members thereof at its meetings, and also to require the attendance of any of the officers of the said village at any of its meetings, and to impose fines for non-attendance. The common council shall, at its first meeting after each annual election, appoint one of the trustees to be president *pro tempore* of the common council; and if at any meeting of the common council neither the pres-

ident or president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Sec. 31. In the proceedings of the common council each member present shall have one vote, and when there shall be a tie the president shall give the casting vote; whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding or proposition had at any meeting, shall be entered at large in the minutes; and such vote shall be so entered in relation to the adoption of any resolution or ordinance, report of committee, or other act for taxing or assessing any property in said village, or the citizens of said village. And all proceedings of the common council shall be published as soon as may be in at least one newspaper printed and published in said village, if any.

Each member to have one vote.

Proceedings of, to be published.

Sec. 32. The common council shall prescribe the rules for its proceedings, and in addition to the powers and duties specially conferred upon them in this act, shall have the management, control and supervision of the highways, walks, streets, bridges, lanes, alleys, parks and public grounds in said village; of the finances, rights and interest, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable and proper, within said village, in relation to and for the following purposes:

To prescribe rules for its proceedings.

May pass laws relative to—

First. To prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain, apprehend and punish vagrants, mendicants, drunkards, and all disorderly persons; to punish lewd and lascivious behavior in the streets or other public places;

Vice.

Vagrants.

Second. To suppress and restrain all disorderly houses and houses of ill-fame, all gambling houses, and all houses and places where persons resort for gaming, or to play at games of

Disorderly houses.

- Gaming. chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain and suppress billiard tables and bowling alleys;
- Liquors. *Third.* To prevent the selling or giving away of any spirituous or fermented liquors to any drunkard, minor or apprentice;
- Auctions. *Fourth.* To prohibit and regulate the sale of all goods, wares and personal property at auction, except in cases of sale authorized by law;
- Peddling. *Fifth.* To license and regulate auctioneers, peddlers and pawnbrokers, and auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise and other property, by hand, hand-cart, show-case, show-stand or otherwise, in the public streets;
- Shows. *Sixth.* To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money;
- Violation of the Sabbath. *Seventh.* To prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days;
- Nuisances. *Eighth.* To prohibit, prevent, abate and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of the village, at the expense of the person creating or continuing the same;
- Groceries. *Ninth.* To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, cellar, privy, yard, hog pen, manure pile, sewer, or other offensive, nauseous or unwholesome place, house or thing, to cleanse, remove or abate the same, whenever the common council shall deem it necessary for the health, comfort or convenience of the inhabitants of said village;
- Offensive substances.

Tenth. To direct the location and regulation of all slaughter ^{Slaughter} houses in said village, and to prohibit their location within ^{houses.} said village;

Eleventh. To regulate, restrain and prohibit the location of ^{Hazardous} shops, and the carrying on of mechanical and other trades and ^{buildings.} vocations which the common council may deem unsightly, dangerous or injurious, in such places and parts of said village as the common council may designate;

Twelfth. To regulate the buying, selling and using of gun- ^{Powder.} powder, fire crackers and fire-works, and other combustible materials; to regulate and prohibit the exhibition of fire-works ^{Fire-works.} and the discharge of fire crackers and fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in said village;

Thirteenth. To prevent the incumbering or obstructing of ^{Incumbering} streets, sidewalks, cross-walks, lanes alleys, gutters, sewers, ^{of streets.} water-courses, bridges and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of dirt and every incumbrance and obstruction;

Fourteenth. To regulate and require the setting of shade ^{Shade trees.} trees in the streets of said village; to authorize, prohibit and regulate the setting of hitching posts in the streets, lanes and alleys of said village, and to cause the same to be taken up and removed; to authorize, prohibit and regulate the building and ^{Awnings.} placing of awnings, sign-boards and other things, the whole or any part of which occupy or project within the limits of any street, lane or alley of said village, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same;

Fifteenth. To provide against horse racing and immoderate ^{Horse-racing} riding or driving in any street, or over any bridge, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving;

Sixteenth. To regulate the speed of locomotives, engines and ^{Locomotives}

cars, upon the railroads within said village, and prevent the obstruction of streets thereby;

Bathing. *Seventeenth.* To regulate and prohibit bathing in the public waters within said village;

Pounds. *Eighteenth.* To establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep and other animals, and of geese or other poultry, in the streets and public places in said village, and to authorize the taking up, impounding and sale of the same, fix the penalty incurred, and the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid;

Ringling of bells. *Nineteenth.* To regulate the ringing of bells and the crying of goods, and to prevent disturbing noises, and obscene and profane language in the streets;

Lighting of streets. *Twentieth.* To provide for the lighting of the streets and alleys, and the protection of the public lamps;

Dogs. *Twenty-first.* To impose taxes on the owners or keepers of dogs, and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction, when running at large in violation of any ordinance of said village;

Cemeteries. *Twenty-second.* To provide burial places, and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tombstones, trees, shrubbery, property, ornaments, improvements, grounds and fences in and around any cemetery in said village;

Building lines. *Twenty-third.* To regulate and establish the line upon which buildings may be erected, upon any street, lane or alley, in said village, and to compel such building to be erected upon such line, by a fine upon the owner thereof, not exceeding five hundred dollars for each offense;

Markets. *Twenty-fourth.* To establish, order and regulate markets; to regulate the vending of meats, vegetables, fruit, fish and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber and coal, and to designate the stand or stands for wood,

hay, and produce exposed for sale in said village, and to require the weighing of hay and the measuring of fire-wood;

Twenty-fifth. To license all drays and omnibuses, hacks, and all other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stands for such vehicles, and to prescribe rates of fare and charges for the same;

Cartmen,
etc.

Twenty-sixth. To license persons to engage in and exercise the business or occupation of tavern-keeper, inn-holder and common victualer, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaging in any such occupation or business, without such license;

Tavern
keepers.

Twenty-seventh. To appoint a sealer of weights and measures;

Weights and
measures.
Fire districts

Twenty-eighth. To establish fire districts, within which no wooden buildings shall be moved, built, enlarged, placed, or allowed to stand or remain;

Twenty-ninth. To regulate and prescribe the manner of constructing party walls, chimneys and fire-places, the putting up

Party walls.

of stoves, stove-pipes, and other things that may be deemed dangerous in causing or promoting fires, and to make all such ordinances, by-laws and regulations as the common council shall deem necessary, to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires; and for the purpose of enforcing such ordinances, by-laws and regulations, the common council may

Inspection of
dwellings.

authorize and direct the fire wardens of said village to enter into and examine at all reasonable times, all dwelling houses, buildings and tenements of every description, and all lots, yards and inclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe at the expense of the owner or occupants of the buildings in which the same may be; and every building or structure that shall be constructed, moved, enlarged, used, maintained, occu-

Unsafe
buildings.

east corner of section three, in the township of Saugatuck, in said county, east along the town line between the townships of Saugatuck and Laketown, Manlius and Fillmore, to the east town line of said township of Fillmore; said road to be laid out and constructed under the provisions of an act entitled "An act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches," number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, to be known as the Saugatuck and Overisel State road.

Swamp land
appropriated

Sec. 2. To secure the construction of said road, there is hereby appropriated one section of swamp land to each mile of said road, to be used and disposed of in the construction of said road, according to the provisions of the act aforesaid, and the acts amendatory thereof: *Provided*, That said lands, hereby appropriated, shall be selected and taken from the State swamp lands in the Lower Peninsula.

Proviso.

Deficiency of
land not to
create a lien
ag't State.

Sec. 3. No deficiency of State swamp lands, which may now or hereafter exist, to meet any appropriation made by this act, shall be so construed as to create any lien or establish any claim against the State.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 456.]

AN ACT to reincorporate the village of Galesburg.

Boundaries.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the county of Kalamazoo, and State of Michigan, and designated as follows, viz: Commencing at a point where the half quarter line on the west half of section twenty-four, in township two south, of range ten west, in said county, intersects the Kalamazoo river at the north bank of said river, running thence north to the north-west corner of south-east quarter of the north-west quarter

of section thirteen, in said township, thence east to the north and south quarter line of section eighteen, of township two south, of range nine west, in said county, thence south along said quarter line to the Kalamazoo river, thence along the edge of the river to the place of beginning, be and the same is hereby constituted a village corporate under the name of the village of Galesburg.

Sec. 2. The following officers of the corporation shall be elected by the qualified electors of said village, at the annual village election, to be held on the first Monday of March next, viz: One president, one recorder, one treasurer, two assessors, who shall act in concert, and six trustees. Three of said trustees shall then be elected for one year, and three of said trustees shall then be elected for two years; and annually thereafter, on the first Monday of March, there shall be elected, by plurality of votes, one president, one recorder, one treasurer, and one assessor, who shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified; and three trustees, who shall hold their offices for two years, and until their successors shall be elected and qualified; also, one marshal, one pound master, two fire wardens, three street commissioners, and one overseer of highways: *Provided*, That if an election of such officers shall not be made on said first Monday of March, it shall be lawful to hold such election at any time, by giving notice thereof, as provided in this act.

Sec. 3. The president and trustees of said village shall be a body corporate and politic, under the name of "The common council of the village of Galesburg," and by that name they and their successors shall be known in law, and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law or equity, and in all other places whatever; and may have a common seal and may alter and change the same; and by the same name are

hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said village.

Council to
appoint
certain
officers.

Sec. 4. The common council may also appoint all such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties; but any such appointment shall be made at a regular meeting of the common council.

Officers to be
electors.

Sec. 5. No person shall be elected or appointed to any office created by this act, unless at the time of such election or appointment, he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment.

To take oath
and file se-
curity.

Sec. 6. All officers elected under the provisions of this act, and all officers appointed by the common council, shall, within ten days after notice of their election or appointment, take and subscribe, before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, and file the same with the village recorder; the treasurer, marshal and overseer of highways, before they enter upon the duties of their office, and within the time limited for filing the official oath, shall file with the village recorder such security for the due performance of the duties of their office as may be required by law or any order of the common council, to be approved by the common council.

When shall
enter upon
their duties.

Sec. 7. All officers elected or appointed in pursuance of the provisions of this act, shall enter upon the duties of their offices immediately upon filing the required oath and security. All officers elected to fill a vacancy, shall hold for the residue of the unexpired term thereof, and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office not to exceed one year, or until the same expires by its terms of appointment, or until the

which jury, being duly sworn by said justice, faithfully and im- ^{Jury to} partially to inquire into and assess the damage in question, ^{award} and having viewed the premises, if necessary, shall inquire of ^{damages.} and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners, or parties interested in such grounds, premises or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and ^{Compensat'n} the sum or sums so assessed, together with his or their cost, ^{tendered to} shall be paid or tendered to the party or persons entitled ^{owner.} thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, person or claimant, before such street, highway, alley, lane, water-course, square, market place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds, premises or property to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the ^{Proviso.} right to remove such proceedings by appeal to the circuit court for the county of Kalamazoo, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury, and the judgment of such justice therein, as aforesaid; such appellant shall first give bond with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening or extending such street, lane,

o'clock P. M., for the purpose of registering the names of legal voters. Said board of registration shall have the same powers and be governed by the same rules and regulations, in relation to said village, that township boards of registration have in relation to the regulations of the legal voters of a township.

Who to be electors.

Sec. 14. The inhabitants of said village, being electors under the constitution of the State of Michigan, and the provisions of this charter, and no others, shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged by an elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in case of challenge at general and special elections in this State, the word "village," instead of "township," being used in the oath.

Annual elections; when to be held.

Sec. 15. The annual village election shall be held on the first Monday of March in each year, and special elections may be held at such times as the common council shall, by resolution entered upon their records, designate.

Notice of.

Sec. 16. Notice of the time and place of holding any election shall be given by the village recorder, five days before such election, by posting such notice in three public places in said village, and by publishing the same in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election as fully as the same is set forth in the resolution appointing such election; and on the day of elections held by virtue of this act, the poll shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall continue open until four o'clock in the afternoon of the same day.

Polls; when opened and closed.

Inspectors of election.

Sec. 17. The common council of said village, or any three of its members, shall be the board of inspectors of election, and the recorder of said village shall be the clerk of such board; if the recorder be absent, then any one of the trustees may act as clerk.

Manner of conducting elections.

Sec. 18. Elections held in pursuance of the provisions of this act, shall be conducted, as nearly as may be, in the same man-

ner as is provided by law for holding of general and special elections in the State of Michigan, except as herein otherwise provided, and the inspectors shall have the same powers and authority for the preservation of order, during the time of holding the election and canvassing the votes, as are conferred by law upon inspectors of general elections held in this State.

Sec. 19. It shall be sufficient to keep one poll list at any election held for said village; and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon certify and declare in writing the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given to each person, and shall file such certificate in the office of the recorder of said village, before ten o'clock in the forenoon of the next day after said election, together with the poll list and box or boxes containing all the ballots cast at said election; and within twenty-four hours after such certificate shall have been so filed, the common council shall convene at their usual place of meeting, and then determine what persons are elected to the several offices respectively, and cause such determination to be entered upon their records; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall determine by lot which of such persons shall be considered elected.

Poll list.

Certificate election.

Council to determine what persons are elected.

Sec. 20. It shall be the duty of the village recorder, within five days after the meeting and determination of the common council, as provided in section nineteen, to notify each person elected, of his election; and also, within five days after the common council shall appoint any person to any office, the recorder shall notify such person of such appointment.

Recorder to notify persons of the election.

Sec. 21. The expenses of all elections to be held as provided by this act, shall be chargeable to said village, and paid as are other contingent expenses.

Expenses of election; how paid.

Sec. 22. Each and all of the officers of said village, including firemen and officers of the fire department, and such

Duties of officers.

other officers and agents as may be appointed by the common council, shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in and by any ordinance of said village, or by any order or resolution of the common council.

President to be chief executive officer of village

Sec. 23. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village. It shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertaining to the municipal government of said village, and all ordinances, resolutions and regulations of the common council, to be observed and executed; to recommend to the common council such measures as he shall deem expedient; to expedite such as shall be resolved upon by them, and in general, to maintain the peace and good order, and advance the prosperity of the village; and whenever, in his opinion, the peace and safety of the inhabitants of the village require it, he may at any time appoint one or more special policemen or watchmen, who shall be conservators of the peace, and who shall have the same power to make arrests and suppress disturbances as is conferred by this act upon the village marshal.

To recommend measures.

To appoint policemen.

Duties of trustees.

Sec. 24. It shall be the duty of every trustee in said village to preside at elections when necessary, to attend the regular and special meetings of the common council, to vote upon all motions, to act upon committees when thereunto appointed by the president, and to assist the president in maintaining peace and good order, and in advancing the prosperity of the village.

Trustees not to become surety or be interested in any contract

Sec. 25. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from said village, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expenses or consideration whereof are to be paid by said village, or become security for the performance of any official act or duty to be done or

tion of real estate which they may find erroneously described in said roll. The assessors shall complete and deliver said assessment roll to the village recorder, on or before the first day of June in each year.

Sec. 45. It shall be the duty of the common council, once in each year, and immediately after the assessors shall have delivered said assessment roll to the recorder, as provided in section forty-two, to estimate and cause to be set down, in a column opposite to the several sums therein set down as the value of real and personal estate, the respective sums, in dollars and cents, to be paid as a general tax or assessment thereon; and the tax upon real estate shall be set down in a column by itself. Any special tax or assessment for public or local improvements, authorized by any provisions of this act, may be included in said assessment roll, and shall be set down in a column by itself, opposite [the] proper description; any poll tax, or tax upon the owners or keepers of dogs, authorized by this act, may be included in said assessment roll, and the last column of said roll shall contain the total amount of taxes. The common council shall cause a copy of said roll, when completed as aforesaid, to be made, and shall annex to such copy a warrant, under the hands of the president and recorder, commanding the marshal to collect from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant, and directing him to pay such money, when collected, to the treasurer of said village by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the common council may deem best.

Council to complete roll.

To deliver roll to marshal for collection.

Sec. 46. The marshal, upon receiving the said copy of tax roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him upon said roll; and in case of a refusal or neglect to pay such taxes, the marshal is hereby authorized and required to levy the same by distress and sale of the goods

Proceedings when own'r's refuse to pay.

and chattels of the person who ought to pay the same, whenever found within said village, together with the costs and charges of such distress and sale, and may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property, in accordance with the revised statutes of this State.

Return
of unpaid
taxes.

Sec. 47. At the expiration of the time mentioned in the warrant annexed to said copy of tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal shall be unable to collect the same, he shall make in said roll, or permanently attach thereto, a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and further, that he has not been able to collect the same, nor, upon diligent inquiry, to discover any goods or chattels, subject to levy, belonging to the person charged with or liable to pay such tax, and shall deliver such statement and copy of tax roll to the recorder of said village within five days thereafter.

Recorder to
sell property
at auction.

Sec. 48. The recorder, after such statement and copy of roll shall have been delivered to him, shall, under the direction of the common council, and in pursuance to an order or resolution of the common council, proceed to sell at public auction, at some public place in said village, so much of said lands returned in said statement, on account of the non-payment of the taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council, to cover the expenses of such sale, first giving at least thirty days' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village,

Notice of
sale.

for four successive weeks preceding the sale, which advertisement shall describe the land and state the name of the owner, if known, amount of taxes and expenses for the non-payment of which it is to be sold. On the day mentioned in said notice, the recorder shall commence the sale of said lands, and continue until so much shall be sold as will pay the said taxes and expenses; and the recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the same: *Provided*, That if any parcel of land cannot be sold to any person for the said taxes and expenses, the recorder shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have a like effect in all respects as if the same had been given to any other purchaser therefor; upon the completion of said sale the recorder shall deliver to the treasurer of said village, a certified statement thereof, containing a description of the land sold, the date of sale, the particular tax and amount for which the same was sold, and the name or names of the purchaser or purchasers, which statement shall be preserved and transcribed by said treasurer, in a book to be provided and kept by him for that purpose; and all moneys received upon such sales he shall at the same time deliver to said treasurer.

Sec. 49. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year next succeeding the day of sale, redeem any such land or interest therein, by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty per cent. per annum, from the date of sale, for the use of the purchaser; but in no case shall the interest be computed for a less time than three months; whereupon the treasurer shall make and deliver to the person making such payment, a certificate of the redemption thereof.

Proceedings
on day of
sale.

Certificate of
purchase.

Proviso.

Time for
redemption.

Interest;
how to be
computed.

- Gaming. chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain and suppress billiard tables and bowling alleys;
- Liquors. *Third.* To prevent the selling or giving away of any spirituous or fermented liquors to any drunkard, minor or apprentice;
- Auctions. *Fourth.* To prohibit and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law;
- Peddling. *Fifth.* To license and regulate auctioneers, peddlers and pawnbrokers, and auctions, and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise and other property, by hand, hand-cart, show-case, show-stand or otherwise, in the public streets;
- Shows. *Sixth.* To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money;
- Violation of the Sabbath. *Seventh.* To prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days;
- Nuisances. *Eighth.* To prohibit, prevent, abate and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered nuisances, and direct and authorize their speedy or immediate abatement or removal by the marshal of the village, at the expense of the persons creating or continuing the same;
- Groceries. *Ninth.* To compel the owner or occupant of any grocery, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, cellar, privy, yard, hog pen, manure pile, sewer, or other offensive, nauseous or unwholesome place, house or thing, to cleanse, remove or abate the same, whenever the common council shall deem it necessary for the health, comfort or convenience of the inhabitants of said village;
- Offensive substances.

Tenth. To direct the location and regulation of all slaughter ^{Slaughter} houses in said village, and to prohibit their location within ^{houses.} said village;

Eleventh. To regulate, restrain and prohibit the location of ^{Hazardous} shops, and the carrying on of mechanical and other trades and ^{buildings} vocations which the common council may deem unsightly, dangerous or injurious, in such places and parts of said village as the common council may designate;

Twelfth. To regulate the buying, selling and using of gun- ^{Powder.} powder, fire crackers and fire-works, and other combustible materials; to regulate and prohibit the exhibition of fire-works ^{Fire-work} and the discharge of fire crackers and fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in said village;

Thirteenth. To prevent the incumbering or obstructing of ^{Incumber} streets, sidewalks, cross-walks, lanes alleys, gutters, sewers, ^{of streets.} water-courses, bridges and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of dirt and every incumbrance and obstruction;

Fourteenth. To regulate and require the setting of shade ^{Shade tree} trees in the streets of said village; to authorize, prohibit and regulate the setting of hitching posts in the streets, lanes and alleys of said village, and to cause the same to be taken up and removed; to authorize, prohibit and regulate the building and ^{Awnings.} placing of awnings, sign-boards and other things, the whole or any part of which occupy or project within the limits of any street, lane or alley of said village, and to prescribe in what manner and of what materials the same shall be constructed, and to compel the removal of the same;

Fifteenth. To provide against horse racing and immoderate ^{Horse-rac} riding or driving in any street, or over any bridge, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving;

Sixteenth. To regulate the speed of locomotives, engines and ^{Locomotiv}

cars, upon the railroads within said village, and prevent the obstruction of streets thereby;

Bathing. *Seventeenth.* To regulate and prohibit bathing in the public waters within said village;

Pounds. *Eighteenth.* To establish one or more pounds, and to regulate and restrain the running at large of cattle, swine, horses, mules, sheep and other animals, and of geese or other poultry, in the streets and public places in said village, and to authorize the taking up, impounding and sale of the same, for the penalty incurred, and the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid;

Ringling of bells. *Nineteenth.* To regulate the ringling of bells and the crying of goods, and to prevent disturbing noises, and obscene and profane language in the streets;

Lighting of streets. *Twentieth.* To provide for the lighting of the streets and alleys, and the protection of the public lamps;

Dogs. *Twenty-first.* To impose taxes on the owners or keepers of dogs, and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction, when running at large in violation of any ordinance of said village;

Cemeteries. *Twenty-second.* To provide burial places, and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tombstones, trees, shrubbery, property, ornaments, improvements, grounds and fences in and around any cemetery in said village;

Building lines. *Twenty-third.* To regulate and establish the line upon which buildings may be erected, upon any street, lane or alley, in said village, and to compel such building to be erected upon such line, by a fine upon the owner thereof, not exceeding five hundred dollars for each offense;

Markets. *Twenty-fourth.* To establish, order and regulate markets; to regulate the vending of meats, vegetables, fruit, fish and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber and coal, and to designate the stand or stands for wood,

hay, and produce exposed for sale in said village, and to require the weighing of hay and the measuring of fire-wood;

Twenty-fifth. To license all drays and omnibuses, hacks, and all other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stands for such vehicles, and to prescribe rates of fare and charges for the same; Cartmen etc.

Twenty-sixth. To license persons to engage in and exercise the business or occupation of tavern-keeper, inn-holder and common victualer, and to impose such fees for such license as the common council may see fit, and to impose penalties upon all persons engaging in any such occupation or business, without such license; Tavern keepers.

Twenty-seventh. To appoint a sealer of weights and measures; Weights & measures.

Twenty-eighth. To establish fire districts, within which no wooden buildings shall be moved, built, enlarged, placed, or allowed to stand or remain; Fire districts.

Twenty-ninth. To regulate and prescribe the manner of constructing party walls, chimneys and fire-places, the putting up of stoves, stove-pipes, and other things that may be deemed dangerous in causing or promoting fires, and to make all such ordinances, by-laws and regulations as the common council shall deem necessary, to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires; and for the purpose of enforcing such ordinances, by-laws and regulations, the common council may authorize and direct the fire wardens of said village to enter into and examine at all reasonable times, all dwelling houses, buildings and tenements of every description, and all lots, yards and inclosures, to inspect all hearths, stoves, fire-places, stove-pipes, flues, chimneys, or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe at the expense of the owner or occupants of the buildings in which the same may be; and every building or structure that shall be constructed, moved, enlarged, used, maintained, occu- Party wall. Inspection dwellings. Unsafe buildings.

pied, or allowed to stand or remain in violation of or contrary to any ordinance of said village, is hereby declared to be a common nuisance, and may be abated, taken down and removed by direction of the common council, at the expense of the owner or occupant or persons who caused such nuisance;

Lumber
yards.

Thirtieth. To prohibit the maintaining of lumber yards, the keeping, piling and storing of fire-wood, timber, lumber, or other easily combustible material within the limits of any fire district;

Reservoirs.

Thirty-first. To construct reservoirs wherever needed, and to provide for supplying the same with water; to build bridges; to construct sewers, drains and culverts; to provide wells; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, public grounds and parks in said village; to construct, repair and renew sidewalks; to remove all encroachments from any street, lane, alley, public ground or places in said village; to fill up, drain, cleanse and regulate any grounds, yards, basins, cellars, or vaults within said village, that may be sunken, damp, foul, incumbered with rubbish or unwholesome, and to make such other public improvements as may conduce to the general good and prosperity of said village, or any part thereof; and generally, to make all other ordinances and regulations that the common council may deem necessary to the safety, order and good government of said village.

Rules and
regulations
generally.

To establish
fire com-
panies.

Sec. 33. The common council shall have power to establish, maintain and regulate all such fire engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire engines and other implements and instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of said village, such number of men willing to accept as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect

Appoint
firemen.

such fines for the non-attendance or neglect of duty of any of its members, as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company ^{Duty of firemen.} to keep the fire engine, hose, hooks and ladders, and other instruments and implements in its charge in good and perfect repair; and it shall be the duty of each fire company to assemble, ^{When sh meet.} at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working the fire engine and other implements in its charge, with a view to keeping of the same in perfect order and repair; and upon any alarm or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire with the engine and other implements of the company, and be subject to the orders of the chief engineer, or other person, for the time being, lawfully acting as chief engineer of the fire department.

Sec. 34. The firemen of said village shall annually elect one ^{Chief engineer.} of their number as chief engineer, who shall have command of the whole fire department of the village, and also two assistant engineers, either of whom may act as chief engineer, in case of the absence or disability of the chief.

Sec. 35. The marshal and any member of the common council may require the assistance of all bystanders in extinguishing ^{Marshal compel at fires.} any fire in said village, and in the removal, preservation and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws and ordinances of said village; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

Sec. 36. Every person belonging to an organized fire com- ^{Firemer empt fr poll tax jury ser} pany in said village, may obtain from the village recorder a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries, and from paying a poll tax in said village.

Power of
council to lay
out streets.

Proceedings
when private
property is
taken.

Notice to
owners.

Council to
negotiate
with owner.

Summoning
of jury.

Sec. 37. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close and vacate and improve such streets, highways, alleys, walks, lanes, water-courses, squares, market places and public parks in said village as they shall deem necessary for the public good and convenience; and if in the opening thereof, the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purpose for which the same are to be used, and that the common council will meet on some day to be named in the resolution, to take action in regard to the matter; and notice of such meeting shall be given to the owners or parties interested, or his, her or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy of such resolution in one of the newspapers published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises for the same, and to pay therefor such reasonable sums as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if for any other cause there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept under his hand, in the nature of a *venire facias*, directed to the marshal of said village or any constable of the county of Kalamazoo, commanding him to summon a jury of twelve disinterested freeholders of said village, to appear before any justice of the peace of the township of Comstock, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners of or parties interested in such grounds, premises or property;

which jury, being duly sworn by said justice, faithfully and im-^{Jury to} partially to inquire into and assess the damage in question, ^{award} damages and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners, or parties interested in such grounds, premises or property, for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same; and ^{Compens} the sum or sums so assessed, together with his or their cost, ^{tendered} owner. shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein, to be paid into the village treasury for the use of such party, person or claimant, before such street, highway, alley, lane, water-course, square, market place or public park shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages, then it shall be competent for such justice to render judgment against such claimant for all costs, and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds, premises or property to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the ^{Provided.} right to remove such proceedings by appeal to the circuit court for the county of Kalamazoo, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury, and the judgment of such justice therein, as aforesaid; such appellant shall first give bond with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, supersedeas, injunction, or other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening or extending such street, lane,

Ibid.

alley, square, water-course, market place or public park, as aforesaid; and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' courts: *Provided further*, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Council to
cause streets
to be re-
surveyed.

Sec. 38. The common council is authorized to cause such of the streets, highways, alleys and lanes in said village, as shall have been used for six years or more prior to the passage of this act, as public highways, streets, lanes or alleys, which have not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described and recorded in the office of the village recorder, in a book to be denominated the book of "street records;" and the common council shall cause a survey or description, and plat of every public ground, highway, park, street, lane and alley, or part thereof, which shall hereafter be opened, established, altered, widened, straightened, or the grade thereof established, to be recorded in said book of "street records;" and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane, alley, or of that part thereof therein described, and of the boundaries and grade thereof; and a copy of any ordinance or resolution of the common council, vacating or closing any public ground, park, highway, street, lane or alley, or any part thereof, shall also be recorded in said book of "street records," and the same shall be evidence as aforesaid.

Book of
street rec-
ords; con-
tents of.

Power of
council to
levy special
tax for ex-
pense of
grading.

Sec. 39. The common council shall have power to assess and levy, at any time, by a special tax, the expenses of making, grading, paving, opening and repairing streets, lanes and alleys, and of putting curbstones and culverts therein; of grading, paving or planking, cleaning and repairing sidewalks, or drain-

LAWS OF MICHIGAN.

ing low lands, of making drains and sewers, and other local improvements upon the lots, premises and subdivisions thereof.

Sec. 40. The territory within the limits of this corporation shall constitute a highway district under the supervision of the street commissioners, who, as agents of the common council, shall have the same power and perform the same duties as highway commissioners in townships. The corporation assessment shall be used as a basis for highway work. Highway work may be commuted at the rate of one dollar per day. The overseer of highways shall have the same power and perform the same duties as overseers of highways in townships, and shall in like manner make his returns to the street commissioner.

Sec. 41. The common council may exempt from all taxation imposed by the provisions of this charter, such poor persons as are in their judgment unable to pay the taxes, which would otherwise be assessed against them.

Sec. 42. The common council shall have power and authority to raise annually, by a general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the powers hereby conferred on them; and they shall, on or before the first day of June in each year, determine by resolution the amount of taxes necessary to be levied for said purposes during the year: *Provided*, That the taxes so determined to be levied, shall not exceed in any one year the sum of three thousand dollars, unless the qualified electors of said village shall determine to increase that amount by a majority vote of all the qualified electors present and voting, and the vote may be taken *viva voce*, or otherwise, as the common council of said village may determine and direct, exclusive of, and in addition to any taxes which may be levied by virtue of any provisions in this act, as a special assessment for public or local improvements; and every tax lawfully imposed by the common council upon any lands, tenements and hereditaments in said village,

shall be and remain a lien upon such lands, tenements and hereditaments, until the same shall be paid.

Poll tax.

Sec. 43. The common council shall have power to assess and collect from every male inhabitant of said village, being over the age of twenty-one and under fifty years, (except paupers, idiots and lunatics, and other persons exempt by law,) an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same.

Assessment roll.

Sec. 44. The assessors of said village shall once in each year, between the second Monday of April and first Monday of May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant or agent thereof, if known, and the name of all persons liable to pay a capitation or poll tax, as provided for in this act; and shall estimate and set down in such roll, the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when said rolls shall be so made and completed, the assessors shall immediately give notice thereof, by publishing the same in some newspaper printed and published in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village, for ten days next previous to the time for review therein stated; and such notice shall give the time when, and the place where he will be and have said roll for inspection and review; at the time and place so appointed, the assessors, on the application of any person interested, may reduce the said valuation, on sufficient cause being shown on oath to the satisfaction of the assessor, which oath each assessor is hereby authorized to administer. If any person or persons shall feel aggrieved by the final decision of the assessors, such person or persons shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized to reduce or increase such valuation; and the common council may at any time before the tax is collected upon such assessment roll, correct any descrip-

Notice of time for reviewing.

Right of appeal.

ing the same; relative to the keeping and sale of gunpowder in Gunpowder.
 said village; relative to the restraining of swine and other
 animals from running at large in the streets, alleys, lanes and
 other public places in said village; to establish one or more Pounds.
 pounds for said village; to suppress billiard tables, and other Billiard
 gaming tables kept for hire or reward in said village; to estab- tables.
 lish lines upon which buildings may be erected, and beyond Building
 which such buildings shall not extend, and also full power and lines.
 authority to make all such by-laws and ordinances as may be
 deemed by the board of trustees expedient or necessary for the
 preventing and suppressing all disorderly and bad houses:
Provided always, Such by-laws shall not be repugnant to the Proviso.
 constitution and laws of the United States and of the State of
 Michigan: *And provided also,* That no by-laws or ordinances Ibid.
 of said corporation shall have any effect until the same shall
 have been published for two weeks, successively, in a newspaper
 printed in the county of Macomb, or by written notices posted
 up in three of the most public places in said village.

Sec. 13. The president and trustees shall have power to make Fires.
 all such by-laws and ordinances as shall be necessary to secure
 said village and the inhabitants thereof against injuries by fire
 and persons violating the public peace; for the suppression of Riots.
 riots and gambling, and for the punishment of the same; for Vagrants.
 the apprehension and punishment of vagrants, drunkards, dis-
 orderly and idle persons; and they shall have power to make Fines and
 all such by-laws and ordinances as to them shall seem neces- penalties.
 sary for the safety and good government of said village and
 the inhabitants thereof, and to impose all fines, penalties and
 forfeitures on all such persons offending against the by-laws
 and ordinances made as aforesaid.

Sec. 14. The president and trustees shall have power to pre- Liquors.
 vent the vending of intoxicating liquors in said village; to regu- Wood and
 late the measuring of fire-wood and the weighing of hay, and to hay.
 prescribe and designate the stand for carters and carts, and for
 wood, hay and produce exposed for sale in said village; to pre-
 vent incumbering the streets, sidewalks, alleys or public grounds

and chattels of the person who ought to pay the same, whenever found within said village, together with the costs and charges of such distress and sale, and may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice and sell in the same manner as township treasurers are required to do, and return any surplus to the owner of the property, in accordance with the revised statutes of this State.

Return
of unpaid
taxes.

Sec. 47. At the expiration of the time mentioned in the warrant annexed to said copy of tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal shall be unable to collect the same, he shall make in said roll, or permanently attach thereto, a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land upon which the taxes so assessed have not been paid, and further, that he has not been able to collect the same, nor, upon diligent inquiry, to discover any goods or chattels, subject to levy, belonging to the person charged with or liable to pay such tax, and shall deliver such statement and copy of tax roll to the recorder of said village within five days thereafter.

Recorder to
sell property
at auction.

Sec. 48. The recorder, after such statement and copy of roll shall have been delivered to him, shall, under the direction of the common council, and in pursuance to an order or resolution of the common council, proceed to sell at public auction, at some public place in said village, so much of said lands returned in said statement, on account of the non-payment of the taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council, to cover the expenses of such sale, first giving at least thirty days' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village,

Notice of
sale.

LAWS OF MICHIGAN.

for four successive weeks preceding the sale, which advertisement shall describe the land and state the name of the owner, if known, amount of taxes and expenses for the non-payment of which it is to be sold. On the day mentioned in said notice, the recorder shall commence the sale of said lands, and continue until so much shall be sold as will pay the said taxes and expenses; and the recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the same: *Provided*, That if any parcel of land cannot be sold to any person for the said taxes and expenses, the recorder shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have a like effect in all respects as if the same had been given to any other purchaser therefor; upon the completion of said sale the recorder shall deliver to the treasurer of said village, a certified statement thereof, containing a description of the land sold, the date of sale, the particular tax and amount for which the same was sold, and the name or names of the purchaser or purchasers, which statement shall be preserved and transcribed by said treasurer, in a book to be provided and kept by him for that purpose; and all moneys received upon such sales he shall at the same time deliver to said treasurer.

Sec. 49. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year next succeeding the day of sale, redeem any such land or interest therein, by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty per cent. per annum, from the date of sale, for the use of the purchaser; but in no case shall the interest be computed for a less time than three months; whereupon the treasurer shall make and deliver to the person making such payment, a certificate of the redemption thereof.

Conveyance. Sec. 50. Upon the presentation of any such certificate of sale to the recorder of said village, after the expiration of the time for the redemption of the lands sold as aforesaid, he shall, unless such lands have been redeemed as aforesaid, or the certificate of sale canceled, as hereinafter provided, execute to the purchaser or purchasers, his, her or their heirs, assigns, executors or administrators, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made, an estate in fee simple, subject to all the claims the State may have therein; and the said conveyance shall be *prima facie* evidence that all the proceedings were regular, according to the provisions of this act, from the valuation of the same by the assessor to the date of the deed inclusive; and every such conveyance, executed by the recorder, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in all the courts of this State, in the same manner and with like effect as any other conveyance of real estate, or any interest therein; and the common council may, upon satisfactory evidence, upon oath, of the payment of any tax upon real estate, and that the same has been returned wrongfully for non-payment, by mistake or otherwise, cancel the certificate of sale at any time before conveyance is made, and return the purchase money.

When may
be used as
evidence.

Justices of
the peace;
powers and
duties of.

Sec. 51. Any of the justices of the peace of the township of Comstock are hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council, in pursuance of the powers granted by this act, and to punish the offenders, as by the said laws or ordinances shall be prescribed or directed; and said justices shall have power to hear, try and determine all charges, complaints, actions and prosecutions for the recovery or enforcing of any and all fines, penalties or forfeitures, for alleged violations or infringement of the said by-laws and ordinances, or of any of the provisions of this act, except in cases where jurisdiction belongs to some

other court. The proceedings in all such actions and prosecutions shall be according to and be governed by the general law and rules of practice of this State, applicable to courts of justices of the peace. Process how governed.

Sec. 52. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any offense, or violation of any by-law or ordinance of said village, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace; and in all cases the right of appeal and certiorari from the justice's court to the circuit court for the county of Kalamazoo, shall be allowed to the parties on the same terms, and the same bond shall be given as is or may be required by law in cases of certiorari or appeals from justices' courts in other cases. Offense be entitled to jury. Right of appeal.

Sec. 53. Whenever a conviction is had or a judgment rendered for any fine, penalty, or forfeiture for a violation of this act, or of any by-law or ordinance of said village, it shall be with costs of suit, and execution therefor may be issued immediately on the rendition of the judgment, and shall command the amount to be made of the property of the defendant, if any such can be found liable to execution, and if not, then to commit the defendant to prison, if it be so adjudged and according to law; and in cases where both fine and imprisonment are imposed upon the person so convicted by the judgment of any such justice, he shall issue the necessary process to carry such judgment into effect. How judgment shall be rendered.

Sec. 54. Any justice of the peace of the township of Comstock shall have power to impose fines, penalties and forfeitures, not exceeding one hundred dollars, and imprisonment not exceeding ninety days, or both, at the discretion of the court, on all persons offending against or violating any of the provisions of this act, or any by-law or ordinance of said village, made in pursuance thereof; and the several justices of the

peace of said township of Comstock shall have power, in all cases, where by the provisions of this act, or of any by-law or ordinance made in pursuance thereof, any person may be sentenced to imprisonment, to imprison in the jail of the county of Kalamazoo, and it is hereby made the duty of the keeper of said county jail to receive such persons; and in all cases where the term of such imprisonment shall exceed sixty days, such person may be sentenced to confinement in the Detroit house of correction.

Village
prison; who
may be con-
fined in.

Sec. 55. The common council shall have power to erect and maintain in said village, a village prison, and any person convicted of a violation of this act, or of any by-law or ordinance made by the common council of said village, may be sentenced to imprisonment therein, not to exceed thirty days; and any person arrested for a violation of this act, or any by-law or ordinance of said village, or of any law of the State, may be imprisoned in said village prison during the time that shall elapse between the time of arrest and the time of trial or examination; and the common council shall have power to make all necessary rules and regulations for the government of said prison, and to appoint a keeper thereof.

Council to
pass laws to
carry out its
powers.

Sec. 56. Whenever, by the provisions of this act, any power or authority is given, or duty imposed upon the common council, the common council may enact such ordinances and establish such rules and regulations as may be necessary to carry into effect such powers and authority, and to regulate the performance of such duty.

How suits
shall be
brought.

Sec. 57. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provisions, or to recover any fine, penalty or forfeiture for such violation, shall be brought in the name of "The village of Galesburg;" and in any such suit or prosecution it shall not be necessary to set forth in the complaint or warrant, the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title, but it shall be sufficient to state in the complaint

Sec. 23. It shall be the duty of the board of trustees to make out a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, which duplicate shall be signed by the president and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

When roll shall be delivered to marshal.

Sec. 24. All moneys to be raised by tax in said village, shall be collected and paid over by the marshal to the treasurer of said village, as shall be prescribed by the ordinances of the board of trustees.

Marshal to pay over all moneys to treasurer.

Sec. 25. No money shall be drawn from the treasury, except by appropriation of the president and trustees; and all orders directing the payment of money shall specify the fund from which it is to be paid, and shall be signed by the president and countersigned by the recorder.

How money may be drawn from treasury.

Sec. 26. Neither the president, nor any member of the board of trustees, during his continuance in office, shall become surety for the performance of any official duty to be done or performed by any person elected or appointed to any office under the provisions of this act, and during the time for which he may be elected a member of said board, he shall not be interested, directly or indirectly, in any contract or purchase, the expense or consideration whereof is to be paid out of the village treasury.

Trustees not to become security or interested in any contract.

Sec. 27. The president and trustees shall have the power to appoint one or more street commissioners, or other officers, to superintend and direct the making, paving, repairing, ornamenting and opening all streets, lanes, alleys, sidewalks, public squares, highways or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the board of trustees; also, for establishing the line upon which buildings may be erected, and beyond which such buildings shall not extend; and the board of trustees shall cause the expenses of making such sidewalks to be assessed on lots or premises adjoining such improvements, or by

To appoint street commissioners.

To establish building lines.

Citizens to
be compet'nt
as jurors.

Sec. 60. In suits or proceedings in which the common council of the village of Galesburg shall be a party, or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of such action or suit: *Provided*, His interest be such only as he has in common with the inhabitants of said village.

Proviso.

Annual
statement;
contents of.

Sec. 61. The common council shall, in the month of February in each year, cause to be made and published a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal and all other officers and persons having claims against said village, or accounts with it not previously audited, and shall make out in detail a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same were made, the amount of money expended under such appropriation, the amount of taxes raised, the amount expended on streets, the amount of money borrowed, if any, for what purpose and upon what terms, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village; and such statement shall be placed on file in the recorder's office, and subject to inspection at any and all times by the citizens of said village.

Accounts to
be verified
by affidavit.

Sec. 62. Before any account or demand of any person against said village shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items thereof, and the amount of each item, with the proper dates, in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

Power of
council to
borrow
money.

Sec. 63. The common council of said village may borrow, for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable fire engine for said village, and implements and instru-

and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries and working a poll tax on the streets or highways of said village; and it shall be the duty of every fire company to keep in good order and perfect repair, the fire engines, hose, ladders, and other instruments of such company; and it shall be the duty of each fire company to assemble once in each month, or as often as may be directed by the board of trustees, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair.

Firemen exempt from poll tax and jury service.

Sec. 30. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire as in preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them, who may be present at the fire.

Duty of marshal at fires.

Sec. 31. This act shall take immediate effect.

Approved April 5, 1869.

[No. 458.]

AN ACT to incorporate the village of South Haven.

SECTION 1. *The People of the State of Michigan enact, That* so much of the township of South Haven, in the county of Van Buren, including all the territory embraced within the boundaries of the present village of South Haven, as is included in the following territory, to wit: Commencing at the point where the base line strikes Lake Michigan between the counties of Allegan and Van Buren; thence east to the one-half quarter line in section two; thence south on the said one-half quarter line of sections two and eleven, one and one-fourth

Boundaries.

[No. 457.]

AN ACT to incorporate the village of New Haven, in the county of Macomb.

Boundaries. SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situated in the township of Lenox, county of Macomb, and State of Michigan, which is described as follows: Beginning at the north-west corner of section thirty-three, in said township, being town four north, of range fourteen east; running thence north on the line between sections twenty-eight and twenty-nine, in said township, ten chains; thence easterly to the east line of the west half of the east half of the south-east quarter of section twenty-eight; thence southerly on said line to highway known as "Ashley and Romeo plank road;" thence along the line of said highway to the central line of section thirty-three, running east and west; thence west to the west line of said section thirty-three; thence north to the place of beginning, be and the same is hereby constituted a village corporate, by the name of the village of New Haven.

Time and
place of
holding
election.

Proviso.

Sec. 2. The male inhabitants of said village, having the qualifications of electors under the constitution, shall meet at the hall owned by Daniel Lake, in said village, on the first Monday of May next, and on the first Monday of May, annually, thereafter, at such time and place as shall be provided in the by-laws of said village, and then and there proceed by a plurality of votes, to elect by ballot from among the qualified electors residing in said village, five trustees, two assessors, one president, one recorder, and one treasurer, who shall hold their office for one year, and until their successors are elected and qualified: *Provided, That* if an election of such officers shall not be made on the day when, pursuant to this act it ought to be made, the said corporation for that cause, shall not be deemed to be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter described.

LAWS OF MICHIGAN.

Sec. 3. At the first election to be held in said village under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, who shall form the board of election, and shall conduct the same, after having taken an oath, to be administered to them by one of their number, to faithfully and honestly discharge the duties required of them as judge or clerk of said election, and certify the result, in the same manner that the board of trustees are required to do by this act; and subsequent elections shall be held in said village, and superintended by the president and recorder, and one or more of the trustees; and further, that at all elections the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and continue open until three o'clock in the afternoon of the same day and no longer; and that the name of each elector so voting at such election shall be written in the poll list, to be kept at such election by the officer or officers holding the same; and the said officer or officers shall proceed without delay, publicly to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors' names contained in the poll list, the officer or officers holding said election, shall draw, cut and destroy, unopened, so many of the ballots as shall amount to the excess; and if two or more ballots are found rolled or folded together, they shall not be estimated; and thereupon, the officer or officers holding such election, shall immediately proceed, openly and publicly, to canvass and estimate the votes given at such election, and shall complete the said canvass and estimates on the same day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall file such certificate in the office of the recorder of said village before ten o'clock in the forenoon of the next day after said election, at which last mentioned period, the president and trustees shall proceed to canvass said returns, and shall declare the result of said election; and in case it shall happen at any time, that two or more persons shall have an equal number of votes for the same office, the president and trustees shall make as many

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strips of paper of equal size, as there are persons having an equal number of such votes, and write a ballot for each of such persons, one on each of said strips of paper, and shall then put said ballots together into a hat, and one of the members of said board shall then draw from said hat one of said ballots, and the person who shall be upon the ballot so drawn shall be declared elected.

Recorder to
give notice
of election.

Sec. 4. It shall be the duty of the recorder of said village to give five days' notice, in writing, in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable, and within five days thereafter, after the closing of the polls of any election, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid, shall, within ten days after receiving a copy of such notice, take an oath or affirmation, before any justice of the peace or notary public of said county of Macomb, to support the constitution of the United States and of this State, and faithfully discharge the duties of their said offices, a certificate of which shall be filed with the recorder of said village.

To notify
persons of
their elect'n.

President
and record-
er; duties of

Sec. 5. It shall be the duty of the president to preside at all meetings of the village council, and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of the proceedings: *Provided*, That in the case of the absence of the president, a majority of the trustees present may elect one of their number president for the time being.

Proviso.

Body cor-
porate and
politic.

Sec. 6. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the president and trustees of the village of New Haven, and by that name they and their successors shall be known in law, and shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of record, and any other place whatsoever,

LAWS OF MICHIGAN.

and may have a common seal, and may also change the same at their pleasure, and by that same name shall be and they are hereby made capable of purchasing and holding, conveying or disposing of any real or personal estate for the use of said corporation.

Sec. 7. The inhabitants of said village shall be liable to the operation of any or all laws relating to township government, except so far as relates to the laying out and constructing of streets and highways, and the labor to be performed thereon, within the limits thereof. Inhabit-
liable to
township
laws ex-
cept for high-

Sec. 8. The president, recorder and trustees, when assembled together and duly organized, shall constitute a board of trustees of the village of New Haven, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn from time to time; and the said trustees shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint; and the board of trustees shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the officers and members thereof at any such meeting, and also to require the attendance of any officers by them appointed, and to impose and collect fines for non-attendance: *Provided*, No such fine shall exceed five dollars for one offense. Board of
trustees
quorum

When a
meet.

May lev-
fine.

Sec. 9. In case of the death, resignation or removal of the president, recorder or any of the trustees, or other officers elected by the electors of said village, such death, resignation or removal shall be announced by the president or recorder to the members of the board of trustees, who shall convene as soon as may be, and order, by a public notice to be posted up in three public places in said village, that an election will be held by the electors of said village to elect a suitable person or persons to fill such vacancy or vacancies, which shall be conducted and certified in the manner hereinbefore provided for the election of village officers, which election shall be ordered Vacancy
how filled

to be held at any time within thirty, and not less than five days after such vacancy shall have occurred.

Power of
trustees to
remove
officers.

Sec. 10. The board of trustees shall have power to remove, at pleasure, any of the officers by them appointed, by virtue of this act, and to fill all vacancies that may happen in any of said offices, so often as the same may occur by death, resignation, removal, or any other cause; and officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Treasurer
and marshal
to give bonds

Sec. 11. The treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them as the board of trustees shall direct and require.

Trustees to
appoint cer-
tain officers.

Sec. 12. The president and trustees shall have full power to appoint a marshal, and all other officers necessary under the provisions of this act for said village, whose elections are not

May pass
laws relative
to—

provided for in this act; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer,

Highways.

assessors, and other officers; relative to the time and manner of working upon streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting all highway and other taxes in said village; and the board of trustees shall have power to make by-laws and ordinances relative

Nuisances.

to all nuisances within the limits of said village, and for the abatement of the same, and for the punishment, by fine, of all

Sewers.

persons occasioning the same; to construct sewers and reservoirs; to license all showmen; to suppress all games of chance

Fire buckets

or hazard; to compel owners of buildings to procure and keep in readiness such number of fire buckets as shall be ordered by

Bridges.

the board of trustees; to regulate bridges within the limits of said village; relative to protecting said village from fires; to

Fire limits.

establish fire limits, in which no wooden buildings shall be built, enlarged or placed; relative to calling meetings of elec-

Shade trees.

tors of said village; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repair-

said offices, so often as the same may occur, by death, resignation, removal, or any other cause; and all officers so appointed shall be notified and qualified as aforesaid, and perform the duties of their respective offices.

Sec. 13. The treasurer, recorder and marshal shall respectively, before they enter upon the duties of their respective offices, give such security for the faithful discharge of the trusts reposed in them as the common council shall direct and require.

Sec. 14. The common council shall have full power and authority to appoint a marshal, one or more street commissioners, an attorney, and such other officers as may be necessary under the provisions of this act, for said village, whose elections are not herein provided for; to make by-laws and ordinances relative to the duties, powers and fees of the marshal, treasurer, assessor and other officers; relative to the time and manner of working upon the streets, lanes and alleys of said village; relative to the manner of assessing, levying and collecting, and providing for the expenses of collecting all highway and other taxes in said village; the common council shall have power to make by-laws and ordinances relative to all nuisances within the limits of the said village, and for the abatement of the same, and for the punishment, by fine, of all persons occasioning the same; to construct sewers and reservoirs; to compel the owners or occupants of land, at their own expense, to construct, make, grade, pave, plank, or gravel and curb, and rail all sidewalks adjoining such land, by ordinance, with suitable penalties, or by assessing the same upon said land, in the same manner as is provided herein for the assessment and collection of taxes; to regulate the construction of private drains; to license all showmen, draymen, theaters, inn-keepers and common victualers, auctioneers and street peddlers; to suppress all games of chance or hazard; to compel the owners of buildings to procure and keep in readiness such number of fire buckets and ladders as shall be ordered by the common council; to regulate bridges within the limits of said village; relative to the

Treasurer and marshal to give security.

Council to appoint marshal and other officers

To pass laws relative to—

Levying taxes.

Nuisances.

Sewers. Sidewalks.

Shows.

Gaming.

Bridges.

Fast driving. or squares, also to prevent immoderate driving in said village, and to regulate all graveyards and burial of the dead for said village.

May lay out streets.

Proceedings when private property is taken.

Notice to owner.

Trustees to treat with owner.

Summoning of jury.

Jury to award damages.

Sec. 15. The president and trustees shall have authority to lay out and establish, open, make, or alter such streets, lanes, alleys, sidewalks, water-courses, highways and bridges, within the limits of said village, as they may deem necessary for the public convenience; and if, in doing thereof, they shall require for such purposes the grounds of any person, they shall give notice thereof to the owners or parties interested, or his, her or their agent or representative by personal service, or by written notice posted in three of the most public places in said village, at least three weeks next preceding the meeting of the said board of trustees, for the purpose aforesaid; and the said board of trustees are hereby authorized to treat with such person or persons for such ground or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for said board of trustees to direct the recorder of said village to issue [a] *venire facias*, to command the marshal of said village, or any constable of said county, to summon and return a jury of twelve disinterested freeholders, to be taken without the limits of said village, to appear before any justice of the peace of said village, at any time therein to be stated, to inquire into and to ascertain and determine the just compensation to be paid therefor to the owner or owners, or parties interested in such grounds or premises, which jury, first being duly sworn by said justice faithfully and impartially to inquire into, and to ascertain and determine the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests and estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum

or sums so assessed, together with all costs, shall be paid or ^{Compensated} legally tendered, before such street, lane or alley, sidewalk, ^{tendered} highway or bridge shall be made, opened, established or altered, to the claimant or claimants therefor. It shall thereupon be lawful for the board of trustees to cause the same grounds or premises to be occupied and used for the purposes as aforesaid: *Provided*, That any party claiming damages, as ^{Provided} aforesaid, may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, her or their intentions so to do, to said justice, in writing, within ten days, or in case of the absence of said party from the said village, at the time of the rendition of said judgment, then within thirty days after the verdict of such jury and the judgment of said justice, as aforesaid; and upon the filing of a transcript of the proceedings aforesaid, duly certified by the said justice, within forty days after the verdict and judgment, as aforesaid, in the circuit court, or any other court of record having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment ^{made} for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs of such appeal.

Sec. 16. Any justice of the peace of the township of Lenox, ^{Justices of the peace} is hereby authorized and empowered to inquire of, hear, try ^{the peace} and determine, in a summary manner, all the offenses which ^{powers and duties of} shall be committed within the limits of said village against any of the by-laws, ordinances and regulations that shall be made, ordained or established by the said board of trustees, in pursuance of the powers granted to them in this act, and to punish the offender or offenders, as by the said by-laws, ordinances or regulations shall be prescribed or directed: *Pro-Provided* always, That any person arrested on a charge of violating any of the by-laws, ordinances or regulations as aforesaid, may demand and have a trial by jury; and the circuit court

of the county shall also have jurisdiction over all fines and penalties imposed by said by-laws.

Compensat'n
of marshal
and other
officers.

Sec. 17. The marshal, recorder, and such other officers as may be appointed by the said board of trustees, shall receive such compensation for their services as the by-laws and ordinances of said corporation shall direct; but the residue of the village officers shall not receive any pecuniary compensation for their services.

Annual
statement;
contents of

Sec. 18. The president and trustees shall, at the expiration of each year, cause to be published a true and just statement of all moneys received or expended by them in their corporate capacity, during the year next preceding such publication, and also the disposition thereof, previous to which they shall settle and audit the accounts of the treasurer, and all other officers and persons having claims against said village, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the board of trustees, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount of taxes raised, the amount of contingent expenses, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Citizens to
be compet'nt
as jurors.

Sec. 19. In all processes, prosecutions and other proceedings wherein the board of trustees of said village shall be a party, no citizen of said village shall be deemed incompetent as a juror or witness, on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Proviso.

How suits
shall be
commenced.

Sec. 20. Whenever any action or suit shall be commenced against said corporation, process against said corporation shall be served by leaving a copy of such process, attested by the proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith

criminals and persons committed for offenses against the by-laws of said village, into the common jail of said county, on the same terms and for the same fees, to be paid by said village, as in other cases.

Sec. 18. Any justice of the peace of the township of South Haven shall have full power and authority, and he is hereby authorized and empowered to hold a court in and for said village of South Haven, and shall have jurisdiction to inquire of, hear, try and determine, in a summary manner, all offenses which shall be committed within the limits of said corporation, against any of the by-laws, ordinances or regulations that may be made, ordained or established by the common council, in pursuance of the powers granted by this act, and to punish the offenders as the by-laws, ordinances, or regulations of said village shall prescribe; and to inquire of, hear, try and determine any and all suits, actions or proceedings in relation to any and all fines, penalties and forfeitures, and for the recovery thereof, inflicted, imposed, or incurred by virtue of the provisions of this act, or by the by-laws, ordinances or regulations made or ordained by the common council in virtue thereof; and any such justices of the peace shall have full power to hear, try and determine any charges for offenses mentioned in chapter one hundred and eighteen of the compiled laws of this State, entitled "Criminal proceedings before justices of the peace." The proceedings shall be governed, as near as may be, except as herein otherwise provided, by law regulating proceedings in justice courts in similar cases.

Sec. 19. The marshal, recorder, attorney, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation may direct.

Sec. 20. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, also the disposition made thereof; previous to which they shall set-

Justices of the peace; powers and duties of

To determine offenses.

To try suits concerning fines, etc.

Proceedings; how shall be governed.

Fees of officers.

Annual statement; contents of.

or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty per centum per annum from the date of said certificate, the said marshal, or his successor in office shall, at the expiration of said one year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the persons to whom it shall be given, an estate in fee simple, subject to all the claims the State shall have therein; and the said conveyance shall be *prima facie* evidence that the sale, and all the proceedings therein prior to such sale, were regular, according to the provisions of this act; and every such conveyance, executed by the said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged and recorded in the usual form, may be given in evidence, in the same manner, and with like effect as a deed regularly executed and acknowledged by the owner, and duly recorded; and all personal estate so sold, shall be sold in such manner as the by-laws and regulations of the corporation shall direct.

When may
be used in
evidence.

Assessment
roll.

Notice of
time for
service.

Corrections;
when may
be made.

Sec. 22. Whenever the assessors of said village shall have completed their assessment rolls of said village, and the valuation of the property, real and personal in said village, it shall be their duty to give notice thereof, by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where the said roll is left for the inspection of all persons interested, and of the time when, and the place where they will meet to hear the objections of any person interested to the valuation as made by them; and at the time so appointed the assessors shall meet, and on the application of any person considering himself or themselves aggrieved by the final decision of the said assessors, they shall have the right of appealing from such decision of the assessors within ten days thereafter to the board of trustees, who are in like manner hereby authorized, upon sufficient cause being shown, as aforesaid, to reduce said valuation.

ments, hereditaments or premises whatever in said village, shall be and remain a lien on such lands, tenements and hereditaments from the time of making the same or imposing such tax until paid; and the owner or occupants, or parties in interest, respectively, in said real estate, shall be liable to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof, to sell real estate, as hereinafter provided, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county for at least four weeks, once in each week, previous to such sale; and the said marshal shall give to the purchaser or purchasers of any such lands a certificate, in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date of such certificate, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per centum per annum from the date of such certificate, the said marshal or his successor in office shall, at the expiration of the said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an estate in fee simple, subject to all the claims the State shall have therein; and every such conveyance executed by said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged, and recorded in due form, may be given in evidence in the same manner, and with the like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, and shall be *prima facie* evidence that the sale and all the proceedings therein prior to such sale

Taxes to remain a lien on property.

When personal estate may be sold.

Proviso.

Certificate of purchase.

Conveyance.

When may be used as evidence.

To cause
removals of
obstructions
on walks.

general assessment, or otherwise, as they may direct. Any person obstructing any street, alley, sidewalk, highway, or public grounds in said village, who shall neglect or refuse to remove such obstructions within two days after personal notice has been given him by the marshal to remove the same, shall forfeit and pay for the use of said corporation, five dollars and costs of suit for each day of such neglect or refusal to remove such obstruction after the two days, as aforesaid; and the said marshal may forthwith, after the expiration of the said two days, cause the obstruction to be removed at the expense of the person causing the same, or the person interested in maintaining and keeping up such obstruction; or the said marshal may, at his option, retain the possession of the property so removed, until the expenses of removing the same shall be paid or tendered to him.

Ibid.

Sec. 28. Whenever the marshal shall be notified by any resident of said village that any street, alley, sidewalk, public grounds or highway is obstructed, and that such obstruction is not authorized by the president and trustees, it shall be the duty of the marshal to cause such obstructions to be removed, as provided in the last preceding section.

Trustees to
establish fire
companies.

Provided.

Sec. 29. The president and trustees shall have the authority to establish and organize all such fire companies, and hose and hook and ladder companies, and furnish them with engines and such other instruments as shall be necessary to extinguish fire and preserve the property of the inhabitants of said village from conflagration; to appoint from among the inhabitants of said village such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and each fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the board of trustees, and they may impose such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws

sons shall conceive himself or themselves aggrieved by the final decision of the said assessor, they shall have the right of appeal from such decision, at any time within ten days thereafter, to the common council, who are in like manner, hereby authorized, upon sufficient cause being shown as aforesaid, to reduce said valuation.

Sec. 25. It shall be the duty of the common council to make or cause to be made out, by the recorder, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual, within the limits of said village, which duplicate shall be signed by the president and recorder, or in case of their absence, or the absence of either of them, by any two members of the common council, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws and ordinances of the village shall direct.

Right of appeal.

Duplicate of taxes; to whom delivered.

Sec. 26. All moneys to be raised by tax in said village shall be collected by the marshal, and paid over by him to the treasurer, as shall be prescribed by the by-laws and ordinances of said village: *Provided, however,* That the highway rolls may be collected by the street commissioners, who, for that purpose, are hereby vested with all the powers of overseers of highways, under the laws of this State, and such powers as may be conferred upon them by the by-laws and ordinances of the village.

Marshal to pay all moneys to treasurer.

Proviso.

Sec. 27. The street commissioners, or commissioners appointed under the provisions of this act, shall superintend and direct the making, planking, repairing and opening all streets, lanes, alleys, sidewalks, highways or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, establish the line upon which buildings may be erected, and beyond which such buildings shall not extend.

Street commissioners; duties of.

Sec. 28. The common council shall have power to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other

Council to organize fire companies.

miles; thence west eighty rods to the west line of section eleven; thence south on said section line three-fourths of one mile, to the south-west corner of section eleven; thence west on the section line between sections ten, fifteen, and fractional sections sixteen and nine to Lake Michigan; thence north-easterly along the shore of Lake Michigan to the place of beginning, be and the same is hereby constituted a village corporate under the name of the village of South Haven.

Elections;
time and
place of
holding.

Officers and
terms of
office.

Proviso.

Judges
and clerk of
election.

Sec. 2. The inhabitants of the said village of South Haven, having the qualifications of electors under the constitution, shall meet at Dyckman Hall, in said village, on the first Tuesday in March next, and annually thereafter on the first Tuesday in April, at such place in said village as the president and board of trustees of the said village of South Haven shall designate, and then and there, by a plurality of votes, elect by ballot from among the qualified electors of said village, one president, six trustees, one recorder, one assessor, and one treasurer, who shall, except the trustees, hold their office for one year, and until their successors are elected and qualified. The trustees at the first election held under this act shall hold their office, three of them for one year and three of them for two years, to be determined by lot at the first meeting of the common council held subsequent to said election; and at each election after the first only three trustees shall be elected annually, who shall hold their offices for two years, and until their successors are elected and qualified: *Provided*, That if any such election for any cause shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such elections at any time thereafter pursuant to public notice, to be given as hereinafter provided.

Sec. 3. At the first election to be holden under this act, which shall be held on the first Tuesday of May next, and annually on the first Tuesday of April in each succeeding year, there shall be chosen by the qualified electors there present, from among their number, two judges and one clerk of said

[No. 459.]

AN ACT to incorporate the city of Big Rapids, and organize the township of Big Rapids.

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} so much of the township of Big Rapids, in the county of Mecosta, as is included in the following description, to wit: The east half of section ten; entire section eleven; entire section fourteen, and the east half of section fifteen, in said township, is hereby organized and incorporated into a city, by the name of the city of Big Rapids.

Sec. 2. The inhabitants of said city shall be a body corporate, and shall be known in law by the name of the city of Big Rapids, and shall be capable of suing and being sued, of pleading and of being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all places whatever; may have and use a common seal, and alter it at pleasure; and shall be capable of purchasing, holding and disposing of real and personal estate for the use of said corporation. ^{Body corporate and politic.}

Sec. 3. The said city shall be divided into four wards; the ^{Wards.} first ward shall include all that portion of the city lying on section fourteen; the second ward shall include all that portion of the city lying on section eleven; the third ward shall include all that portion of the city lying on section ten; and the fourth ward shall include all that portion of the city lying on section fifteen.

Sec. 4. The officers of said city shall be one mayor, one recorder, who shall be *ex officio* school inspector and city clerk; ^{Officers and terms of office.} one supervisor, who shall be *ex officio* assessor; one treasurer, who shall be *ex officio* collector; one city attorney, one marshal, one street commissioner, two school inspectors, two aldermen for each ward, one constable in each ward, one justice of the peace in each ward. The mayor, aldermen, recorder, treasurer, supervisor and street commissioner shall be elected for one year, and shall hold their offices until their successors are

each of such persons, one on each of said strips of paper, and shall put said ballots together in a hat or box, and one of the members of said council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected; and in all cases not herein otherwise provided for, the inspectors of said election, or of any election held pursuant to this act, shall have the same powers, and proceed in the same manner in all respects as prescribed by the laws of this State for the inspectors of special and general elections.

Recorder to
give notice
of election.

To notify
persons of
their elect'n.

Sec. 4. The recorder of said village shall give five days' notice, in writing, to be posted in three public places in said village, of the time and place of holding all elections, both annual and special, in said village, and as soon as practicable and within five days after the closing of the polls of any election, notify the officers respectively of their election; and the said officers so elected and notified as aforesaid shall, within ten days after the receiving of such notice, take an oath or affirmation, before some officer authorized to administer the same, to support the constitution of the United States and of this State, and faithfully to discharge the duties of their respective offices, a certificate of which shall be filed with the recorder of said village.

Duty of
president
and clerk.

Sec. 5. It shall be the duty of the president to preside at all meetings of said council, and in case of his absence the common council may appoint one of their own number a president *pro tem.*; and it shall be the duty of the recorder to attend all such meetings, and keep a fair and accurate record of their proceedings, and in case of his absence the common council may appoint one of their own number a recorder *pro tem.*

Body cor-
porate and
politic.

Sec. 6. The president, recorder and trustees of said village shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name and title of the common council of the village of South Haven, and by that name they and their successors shall be known in law, and shall be and are hereby made capable of suing and being

in said ward; and there shall be chosen at said election, in each of said wards, by the electors present, two judges and a clerk of said [election,] each of whom shall take [an] oath of [or] affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, and shall conduct the same and certify the result in the same manner as is herein required for subsequent elections to be held under this charter. The annual elections after the first under this act, shall be held on the first Monday in April in each year, at such place in each of the several wards as the common council may designate, notice whereof shall be given by the recorder, at least eight days before the election, by posting the same in three public places in each ward; the aldermen and justices of the peace in each ward shall be the inspectors of such election, and of all other elections held in said city, and shall choose the clerk thereof; and in case of the absence of one or more of such inspectors, the electors present may choose, *viva voce*, from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace. The time of opening the polls, the manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that of townships, the word "ward," instead of "township," being used in the oath to be administered to an elector, in case his vote shall be challenged: *Provided*, That at such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon the Tuesday next following the day of said election, the common council shall meet at the office of said recorder, at one o'clock P. M. of that day, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are

Notice of
elections.

Inspectors of
election.

Time of
opening
polls.

Proviso.

Council to
determine
who are
elected.

Recorder to
notify per-
sons of their
election.

Proviso.

Ibid.

Tie; how
decided.

Common
council.

duly elected to fill the respective city offices; and it shall be the duty of the recorder immediately after such determination, to cause notice to be given to each of the persons elected, of their election; and each of said officers shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to said recorder, who shall file the same in his office: *Provided*, That at the first annual election under this act, the judges and clerk of election in each ward shall choose one of their number to be inspector of the city election, to whom the certificate of votes given for city officers shall be delivered; and on Tuesday next after the election, at one o'clock P. M., the said inspectors shall meet at the circuit court room and determine who, by the greatest number of votes given in the several wards of said city, at such election, are duly elected to fill the respective city offices, and they shall give notice to the recorder elect, of such determination; said recorder shall then notify the other officers as directed in this act for other elections: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and of his own election, and cause the same to be delivered to the county clerk in the same manner as is required of township clerks; and in case two or more persons shall receive for the same office an equal number, and not a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons receiving the highest number of votes, who shall be considered [elected] to such office; in case any of the officers so elected shall neglect, for a term of ten days after said election, to qualify as aforesaid, the office shall thereby become vacant.

Sec. 6. The mayor, recorder and aldermen, when assembled, shall constitute the common council of the city of Big Rapids, and a majority of the whole, the mayor or recorder always being one, shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time; and the common council may be summoned to hold their meet-

ings at such time and in such place, within the limits of said city, as the mayor, or in case of his absence or inability to act, as the recorder may appoint; the common council shall have power to impose, levy and collect such fines as they may determine and deem proper, not exceeding five dollars, for the non-attendance at any meetings of any officer of the corporation who has been duly notified to attend the same; the mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings of the same; in case of the absence of the mayor or recorder from the meeting, the members present may appoint a president or recorder *pro tempore*; the mayor and recorder shall not be entitled to a vote, except as a presiding officer, in case of a tie; and no alderman shall be allowed to vote on any question in which he shall have a direct personal interest, but upon all other questions he shall vote.

When shall meet.

May levy fines.

Duties of mayor.

Sec. 7. The common council shall appoint a marshal, an attorney, and street commissioner for the city, and shall have power to appoint a chief engineer for the fire department, and such other officers as is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and remove the same at pleasure. They shall also have power to remove the treasurer for any violation of the lawful orders of the common council; and, in case of the death, the resignation or removal from office, or neglect to qualify, or removal from the city or ward for which he has been elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year, and all officers so appointed shall be notified, and shall qualify as herein directed: *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

Council to appoint attorney and other officers

To remove officers when necessary.

Proviso.

Sec. 8. The common council, in addition to the duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests,

To control finances, etc.

Jury to
award
damages.

Compensat'n
tendered to
owner.

Proviso.

Ibid.

Council au-
thorized to
build watch-
house.
Proviso.

faithfully and impartially to inquire into the necessity of using such ground or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of the necessity, and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in such ground or premises, for their respective losses, according to the several interests and estates therein; the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with all costs, shall be paid or legally tendered before such street, lane or alley, sidewalk or highway, shall be made, opened or established, or altered, to the claimant or claimants thereof; it shall thereupon be lawful for the common council to cause the same grounds or premises to be occupied and used for the purposes aforesaid: *Provided*, That the common council, or any party claiming damages as aforesaid, may have the right to remove such proceedings, by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his, or her, or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party from said village, at the time of the rendition of the judgment, then within thirty days after the verdict of said jury and judgment of said justice as aforesaid. Upon the filing of a transcript of the proceedings aforesaid, duly certificated by the said justice, within forty days after the verdict and judgment as aforesaid, in the circuit court, or any other court of record, having appellate jurisdiction, the same proceedings shall be had as is prescribed by law in other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice at least five dollars, then the party appealing shall pay all costs occasioned by such appeal.

Sec. 17. The common council shall have authority to build a watch house or village prison, and appoint the requisite officers for the same: *Provided*, That until such a prison is built the sheriff of Van Buren county is hereby authorized to receive

criminals and persons committed for offenses against the by-laws of said village, into the common jail of said county, on the same terms and for the same fees, to be paid by said village, as in other cases.

Sec. 18. Any justice of the peace of the township of South Haven shall have full power and authority, and he is hereby authorized and empowered to hold a court in and for said village of South Haven, and shall have jurisdiction to inquire of, hear, try and determine, in a summary manner, all offenses which shall be committed within the limits of said corporation, against any of the by-laws, ordinances or regulations that may be made, ordained or established by the common council, in pursuance of the powers granted by this act, and to punish the offenders as the by-laws, ordinances, or regulations of said village shall prescribe; and to inquire of, hear, try and determine any and all suits, actions or proceedings in relation to any and all fines, penalties and forfeitures, and for the recovery thereof, inflicted, imposed, or incurred by virtue of the provisions of this act, or by the by-laws, ordinances or regulations made or ordained by the common council in virtue thereof; and any such justices of the peace shall have full power to hear, try and determine any charges for offenses mentioned in chapter one hundred and eighteen of the compiled laws of this State, entitled "Criminal proceedings before justices of the peace." The proceedings shall be governed, as near as may be, except as herein otherwise provided, by law regulating proceedings in justice courts in similar cases.

Justices of the peace; powers and duties of.

To determine offenses.

To try suits concerning fines, etc.

Proceedings; how shall be governed.

Sec. 19. The marshal, recorder, attorney, and such other officers as may be appointed by the said common council, shall receive such compensation for their services as the by-laws and ordinances of said corporation may direct.

Fees of officers.

Sec. 20. The common council shall, at the expiration of each year, cause to be published a just and true statement of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, also the disposition made thereof; previous to which they shall set-

Annual statement; contents of.

tle and audit the accounts of the treasurer, and all other officers and persons having claims against the said village or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the money expended under each appropriation, the amount on highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of said village.

Citizens to
be compet'nt
as jurors.

Sec. 21. In all processes, prosecutions and other proceedings wherein the common council of said village shall be a party, no citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such citizen in the event of such process or proceeding: *Provided*, That such interest be only that which is in common with the citizens of said village.

Proviso.

How process
shall be
served.

Sec. 22. Whenever any action or suit shall be commenced against the corporation, process against said corporation shall be served by leaving a copy of such process, attested by a proper officer, with the recorder of said corporation, or at his usual place of business therein, whose duty it shall be forthwith to inform the president and trustees thereof: *Provided*, That the first process shall be by summons, and a copy thereof left with the recorder at least ten days before the return day thereof.

Proviso.

Poll tax.

Sec. 23. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the legal voters of said village, and also taxes on all real or personal property (not exempt from taxation) within the limits of said village, necessary to defray the expenses thereof: *Provided*, The said taxes so assessed and collected shall not exceed, in any one year, one per centum upon the valuation of said real and personal property, and exclusive of sidewalk, highway, and capitation or poll tax; and every assessment of taxes lawfully laid and imposed by said common council on any lands, tene-

Proviso.

ments, hereditaments or premises whatever in said village, shall be and remain a lien on such lands, tenements and hereditaments from the time of making the same or imposing such tax until paid; and the owner or occupants, or parties in interest, respectively, in said real estate, shall be liable to pay every such assessment or tax to be made as aforesaid; and in default of such payment, or any part thereof, it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof, to sell real estate, as hereinafter provided, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: *Provided*, That whenever any real estate shall be sold by said marshal, notice thereof shall be published in a newspaper printed in said county for at least four weeks, once in each week, previous to such sale; and the said marshal shall give to the purchaser or purchasers of any such lands a certificate, in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date of such certificate, pay to the treasurer of said village, for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty per centum per annum from the date of such certificate, the said marshal or his successor in office shall, at the expiration of the said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an estate in fee simple, subject to all the claims the State shall have therein; and every such conveyance executed by said marshal, under his hand and seal, in the presence of two or more subscribing witnesses, and duly acknowledged, and recorded in due form, may be given in evidence in the same manner; and with the like effect as a deed regularly executed and acknowledged by the owner, and duly recorded, and shall be *prima facie* evidence that the sale and all the proceedings therein prior to such sale

Taxes to remain a lien on property.

When personal estate may be sold.

Proviso.

Certificate of purchase.

Conveyance.

When may be used as evidence.

Proviso.	<p>were regular, according to the provisions of this act and the ordinances of such village: <i>Provided</i>, That in case less than the whole tract or description of land in any case so held for taxes shall be sold for such taxes, the amount so sold shall be taken from the north side of such description, in accordance with the general laws of this State. All personal property sold for taxes in said village shall be sold in such manner as the by-laws and ordinances of the village shall prescribe; and whenever any lands shall not be bid off, or cannot be sold for the delinquent taxes aforesaid, they may be bid in for the said village, by the treasurer thereof, in the same manner as is provided by law for the sale of lands to the State by the Auditor General, and treasurers of the several counties of this State; and the treasurer of said village is authorized to sell said lands in the same manner as is provided by law for the sale of State tax land; and upon the presentation of such treasurer's certificate of such sale, the marshal shall execute to such purchaser, when the time of redemption herein provided shall have expired, a deed in the same manner as the Auditor General is authorized by the laws of this State, and with the like effect as is provided herein for other tax deeds.</p>
Manner of conducting sales of personal property.	
When deed may be executed.	
Assessment roll.	<p>Sec. 24. Whenever the assessor of said village shall have completed the assessment roll and valuation of the property, real and personal, in said village, it shall be his duty to give notice thereof, by publishing in a newspaper printed in said village, by at least two insertions, or posting up the same in three of the most public places in said village, stating the place where said roll is left for the inspection of all persons interested, and of the time when, and the place where he will meet to hear the objections of any persons interested, to the valuation made by him; and at the time so appointed the assessor shall be present at such place, and on the application of any person considering himself aggrieved, may review and reduce the said valuation, on sufficient cause being shown upon oath, to the satisfaction of said assessor; and if any person or per-</p>
Notice of time for reviewing.	
Corrections in; when may be made.	

sons shall conceive himself or themselves aggrieved by the final decision of the said assessor, they shall have the right of appeal from such decision, at any time within ten days thereafter, to the common council, who are in like manner, hereby authorized, upon sufficient cause being shown as aforesaid, to reduce said valuation.

Sec. 25. It shall be the duty of the common council to make or cause to be made out, by the recorder, a duplicate of taxes, charging each individual therein an amount of tax in proportion to the amount of real and personal estate of such individual, within the limits of said village, which duplicate shall be signed by the president and recorder, or in case of their absence, or the absence of either of them, by any two members of the common council, and delivered to the marshal, whose duty it shall be to collect the same, within such time and in such manner as the by-laws and ordinances of the village shall direct.

Right of appeal.

Duplicate of taxes; to whom delivered.

Sec. 26. All moneys to be raised by tax in said village shall be collected by the marshal, and paid over by him to the treasurer, as shall be prescribed by the by-laws and ordinances of said village: *Provided, however,* That the highway rolls may be collected by the street commissioners, who, for that purpose, are hereby vested with all the powers of overseers of highways, under the laws of this State, and such powers as may be conferred upon them by the by-laws and ordinances of the village.

Marshal to pay all moneys to treasurer.

Proviso.

Sec. 27. The street commissioners, or commissioners appointed under the provisions of this act, shall superintend and direct the making, planking, repairing and opening all streets, lanes, alleys, sidewalks, highways or bridges within the limits of said corporation, in such manner as they may from time to time be directed by the common council; also, establish the line upon which buildings may be erected, and beyond which such buildings shall not extend.

Street commissioners; duties of.

Sec. 28. The common council shall have power to establish and organize all such fire companies, and hose and hook and ladder companies, and provide them with engines and other

Council to organize fire companies.

instruments as shall be necessary to extinguish fires and preserve the property of the inhabitants of said village from conflagrations; to appoint from among the inhabitants of said village, such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen: *Provided*, Such number does not exceed fifty in the management of one engine; and such fire, hose and hook and ladder company shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and they may impose such fines for non-attendance or neglect of duty of any of its members, as may be established by such by-laws and regulations of every such company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof; and the members of such company, during their continuance as such, shall be exempt from serving on juries, and working a poll tax on the streets and highways of said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, hooks and ladders, and other instruments of such company; it shall be the duty of each fire company to assemble at least once in each month, or as often as may be directed by said common council, for the purpose of working or examining said engine and other instruments, with a view to their perfect order and repair, and the fire department shall, in all respects, be under the control and government of the common council, and shall obey all by-laws and ordinances of the village, under such penalty as shall be prescribed therein.

Provided.

Firemen to elect their own officers.

To be exempt from poll tax and jury service.

Duty of marshal at fires.

Sec. 29. Upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing said fire as in preventing any goods from being stolen, and also removing and securing the same, and shall in all respects be obedient to the orders of the president.

Sec. 30. This act shall take effect immediately.

Approved April 5, 1869.

[No. 459.]

AN ACT to incorporate the city of Big Rapids, and organize the township of Big Rapids.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries.
so much of the township of Big Rapids, in the county of Mecosta, as is included in the following description, to wit: The east half of section ten; entire section eleven; entire section fourteen, and the east half of section fifteen, in said township, is hereby organized and incorporated into a city, by the name of the city of Big Rapids.

Sec. 2. The inhabitants of said city shall be a body corporate, and shall be known in law by the name of the city of Big Rapids, and shall be capable of suing and being sued, of pleading and of being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all places whatever; may have and use a common seal, and alter it at pleasure; and shall be capable of purchasing, holding and disposing of real and personal estate for the use of said corporation. Body corporate and politic.

Sec. 3. The said city shall be divided into four wards; the Wards.
first ward shall include all that portion of the city lying on section fourteen; the second ward shall include all that portion of the city lying on section eleven; the third ward shall include all that portion of the city lying on section ten; and the fourth ward shall include all that portion of the city lying on section fifteen.

Sec. 4. The officers of said city shall be one mayor, one recorder, who shall be *ex officio* school inspector and city clerk; Officers and terms of office.
one supervisor, who shall be *ex officio* assessor; one treasurer, who shall be *ex officio* collector; one city attorney, one marshal, one street commissioner, two school inspectors, two aldermen for each ward, one constable in each ward, one justice of the peace in each ward. The mayor, aldermen, recorder, treasurer, supervisor and street commissioner shall be elected for one year, and shall hold their offices until their successors are

Ibid.

elected and qualified; the marshal and city attorney shall be appointed by the common council, and shall hold their offices for one year and until their successors are appointed and qualified. At the first election after the passage of this act there shall be elected two school inspectors, one for the term of one year and one for the term of two years; and annually thereafter there shall be elected one school inspector for the term of two years, and until his successor is elected and qualified; at the first election after the passage of this act there shall be elected in each ward of said city one justice of the peace; and their several terms of office shall be determined by lot, as the law provides in the case of new townships, (but without previous notice,) at the office of the recorder of the city of Big Rapids, at one o'clock P. M. of the second Saturday following said annual election; and at each and every annual election thereafter, there shall be elected one justice of the peace for the term of four years; the said justices of the peace shall have like powers and be subject to the same duties and liabilities as justices of the peace in the several townships of this State; one constable shall be elected annually in each ward:

Proviso.

Power of;
supervisor.

Provided, That the aldermen, justices of the peace and constables shall be elected by the electors of the wards for which they are respectively elected; the supervisor shall possess the same powers and shall perform the same duties relative to the assessment of property and the extending of the taxes, as supervisors of the several townships of this State; he, together with the mayor and recorder, shall each represent the city on the board of supervisors of the county of Mecosta, with the same powers and privileges as the supervisor of any township.

Annual elec-
tions; where
to be held.

Sec. 5. The first annual election to be held under this act shall be held in each of the several wards of said city, on the third Monday of April, eighteen hundred and sixty-nine, at the following named places: In the first ward, at the circuit court room in said ward; in the second ward, at the school-house in said ward; in the third ward, at the school-house in said ward; in the fourth ward, at the planing mill of Nichols and Ketchum,

in said ward; and there shall be chosen at said election, in each of said wards, by the electors present, two judges and a clerk of said [election,] each of whom shall take [an] oath of [or] affirmation, to be administered by either of the others, faithfully and honestly to discharge the duties required of him as judge or clerk of said election, and shall conduct the same and certify the result in the same manner as is herein required for subsequent elections to be held under this charter. The annual elections after the first under this act, shall be held on the first Monday in April in each year, at such place in each of the several wards as the common council may designate, notice whereof shall be given by the recorder, at least eight days before the election, by posting the same in three public places in each ward; the aldermen and justices of the peace in each ward shall be the inspectors of such election, and of all other elections held in said city, and shall choose the clerk thereof; and in case of the absence of one or more of such inspectors, the electors present may choose, *viva voce*, from their number, one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace. The time of opening the polls, the manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that of townships, the word "ward," instead of "township," being used in the oath to be administered to an elector, in case his vote shall be challenged: *Provided*, That at such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon the Tuesday next following the day of said election, the common council shall meet at the office of said recorder, at one o'clock P. M. of that day, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are

Notice of
elections.

Inspectors of
election.

Time of
opening
polls.

Proviso.

Council to
determine
who are
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Recorder to
notify per-
sons of their
election.

Provido.

Ibid.

Tie; how
decided.

Common
council.

duly elected to fill the respective city offices; and it shall be the duty of the recorder immediately after such determination, to cause notice to be given to each of the persons elected, of their election; and each of said officers shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to said recorder, who shall file the same in his office: *Provided*, That at the first annual election under this act, the judges and clerk of election in each ward shall choose one of their number to be inspector of the city election, to whom the certificate of votes given for city officers shall be delivered; and on Tuesday next after the election, at one o'clock P. M., the said inspectors shall meet at the circuit court room and determine who, by the greatest number of votes given in the several wards of said city, at such election, are duly elected to fill the respective city offices, and they shall give notice to the recorder elect, of such determination; said recorder shall then notify the other officers as directed in this act for other elections: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof, and of his own election, and cause the same to be delivered to the county clerk in the same manner as is required of township clerks; and in case two or more persons shall receive for the same office an equal number, and not a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons receiving the highest number of votes, who shall be considered [elected] to such office; in case any of the officers so elected shall neglect, for a term of ten days after said election, to qualify as aforesaid, the office shall thereby become vacant.

Sec. 6. The mayor, recorder and aldermen, when assembled, shall constitute the common council of the city of Big Rapids, and a majority of the whole, the mayor or recorder always being one, shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time; and the common council may be summoned to hold their meet-

ings at such time and in such place, within the limits of said city, as the mayor, or in case of his absence or inability to act, as the recorder may appoint; the common council shall have power to impose, levy and collect such fines as they may determine and deem proper, not exceeding five dollars, for the non-attendance at any meetings of any officer of the corporation who has been duly notified to attend the same; the mayor shall preside at all meetings of the common council, and the recorder shall keep a record of the proceedings of the same; in case of the absence of the mayor or recorder from the meeting, the members present may appoint a president or recorder *pro tempore*; the mayor and recorder shall not be entitled to a vote, except as a presiding officer, in case of a tie; and no alderman shall be allowed to vote on any question in which he shall have a direct personal interest, but upon all other questions he shall vote.

When shall meet.

May levy fines.

Duties of mayor.

Sec. 7. The common council shall appoint a marshal, an attorney, and street commissioner for the city, and shall have power to appoint a chief engineer for the fire department, and such other officers as is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and remove the same at pleasure. They shall also have power to remove the treasurer for any violation of the lawful orders of the common council; and, in case of the death, the resignation or removal from office, or neglect to qualify, or removal from the city or ward for which he has been elected, of any officer of the corporation, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of the year, and all officers so appointed shall be notified, and shall qualify as herein directed: *Provided*, That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.

Council to appoint attorney and other officers

To remove officers when necessary.

Proviso.

Sec. 8. The common council, in addition to the duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests,

To control finances, etc.

May pass laws relative to—	buildings, and all property, real and personal, belonging to the city, and may dispose of the same, and make such rules and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said city to enact, continue, establish, modify, annul and repeal such ordinances, by-laws and regulations as they shall deem desirable within said city, for the following purposes:
Vice.	<i>First.</i> To prevent vice and immorality; to preserve peace and good order; to organize, maintain and regulate a police of the city; to prevent and quell riots, disturbances and disorderly assemblies;
Police.	
Disorderly houses.	<i>Second.</i> To prevent and restrain disorderly and gaming houses, and houses of ill-fame; all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate, tax, or restrain all billiard tables, bowling alleys and drinking saloons;
Gaming.	
Liquors.	<i>Third.</i> To forbid and prevent the vending, giving away, or other disposition of liquors and intoxicating drinks to any drunkard, child, young person, or apprentice, without consent of his or her parents or guardian, or in violation of the laws of this State; and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;
Auctions.	
Sports.	<i>Fourth.</i> To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money;
Slaughter houses.	<i>Fifth.</i> To abate or remove nuisances of any kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, abate, or remove the same, from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Sixth. To direct the location of all slaughter-houses, markets, ^{Nuisances.} and buildings for storing gunpowder or other combustible material or substances;

Seventh. Concerning the buying, carrying, selling and using ^{Gunpowder.} of gunpowder, or other combustible materials, and the exhibitions of fireworks; the use of lights in barns, stables, and other ^{Lamps.} buildings; and to regulate or prohibit the discharge of fire-arms within the limits of the city, or the making of bonfires in the streets or yards;

Eighth. To prevent the incumbering of streets, sidewalks, ^{Incumbering of streets.} cross-walks, lanes, alleys, bridges, or other public places, in any manner whatever;

Ninth. To prevent and punish horse-racing and immoderate ^{Horse-racing} driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said city;

Tenth. To determine and designate the routes and grades of ^{Locomotives} any railroads to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city;

Eleventh. To preserve the salubrity of the waters of Muske- ^{Salubrity of waters.} gon river and Mitchell creek within the limits of said city; to prohibit or regulate bathing therein, and provide for cleansing the same of drift-wood, or other obstructions; to fill up all low grounds or lots covered or partially covered with water within the limits of said city, or to drain the same as they may deem expedient;

Twelfth. To restrain and punish drunkards, vagrants, street ^{Vagrants.} beggars and other disorderly persons;

Thirteenth. To establish and regulate one or more pounds, ^{Pounds.} and to restrain or regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping and impounding the same;

Fourteenth. To prevent or regulate the running at large of Dogs.

dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

Offensive
substances.

Fifteenth. To prohibit any person from bringing or depositing within the limits of said city, any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof; if any person shall have on his or her premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the city;

Sidewalks.

Sixteenth. To compel all persons to keep sidewalks in front of premises owned by them, clear from snow, dirt, wood, or other obstructions;

Ringling of
bells.

Seventeenth. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise; to prevent disturbing noises in the streets;

Duties of
officers.

Eighteenth. To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies;

Markets.

Nineteenth. To establish, order and regulate the markets, and to prohibit forestalling the same; to regulate the vending of wood, meats, vegetables, fruits, fish, and provisions of all kind, and prescribe the time and place for selling the same;

Reservoirs.

Twentieth. To establish, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water;

Cartmen.

Twenty-first. To adopt rules and regulations for cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license;

Runners,
etc.

Twenty-second. To prevent runners, stage drivers, and others from soliciting passengers or others to travel or ride in any stage or omnibus, or any railroad, or to go to any hotel or otherwise;

Lighting of
streets.

Twenty-third. Concerning the lighting of the streets and alleys, and the protection and safety of public lamps;

Twenty-fourth. To regulate and restrain hawking and peddling, peddling in the streets, and to regulate pawnbrokers;

Twenty-fifth. To prescribe the bonds and sureties to be given Official bonds. by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided by law;

Twenty-sixth. To prescribe and designate the stands for car- Stands for carriages.riages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rate of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in said city, and to regulate the sale thereof; and for the purpose Fines and penalties. of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding three months, or by both such fine and imprisonment, in the discretion of the justice who shall try the offender.

Sec. 9. The style of all ordinances of the common council Style of ordinances. shall be: "It is hereby ordained by the common council of the city of Big Rapids."

Sec. 10. All meetings of the common council shall be public, Meetings to be public. and its proceedings and records shall be open to the public inspection at all reasonable times.

Sec. 11. The inhabitants of said city shall have the right to Right of petition. petition the common council.

Sec. 12. The common council shall be the judge of the elec- Council to judge of the qualification of members.tion and qualification of its own members, and shall have power to determine contested elections, to compel the attendance of absent members, to determine the rules of its proceedings, and to pass all by-laws and rules necessary and convenient for the transaction of business, not inconsistent with the provisions of this act.

Justices of
the peace;
powers and
duties of.

Sec. 13. Any justice of the peace residing in and elected for said city shall have full power and authority, and [it] is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and try and determine all offenses which shall be committed against said ordinances of the common council, made in pursuance of the power granted by this act, and to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizances for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison, as occasion shall lawfully require.

Corporation
allowed use
of county
jail.

Sec. 14. The corporation of the city of Big Rapids shall be allowed the use of the common jail of the county of Mecosta, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

Justices to
issue war-
rants for
arrest of
offenders.

Sec. 15. Whenever any person shall be charged with having violated any ordinance or by-law of the city by which the offender is liable to imprisonment, any justice of the peace of said city, to whom complaint shall be made, shall issue a warrant to the sheriff, or any constable of said county, or the marshal of said city, commanding him to bring the body of such person before him forthwith, to be dealt with according to law; and any such officer to whom such warrant shall be delivered for service is hereby required to execute the same, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process; and all process issued by any justice of the peace to enforce or carry into effect any of the by-laws or ordinances of the city of Big Rapids, may be directed to the sheriff or any constable of the county of Mecosta, or to the marshal of the city of Big Rapids, and such process may be executed by any of said offi-

How pro-
cess shall
be directed.

cers, and shall be returnable the same as other similar process issued by justices of the peace.

Sec. 16. It shall be the duty of the mayor to take care that Mayor; powers and duties of. the laws of the State, and the ordinances of the common council be faithfully enforced and executed. The mayor shall be the chief executive officer of the city of Big Rapids, and conservator of the peace.

Sec. 17. It shall be his duty to see that all officers of the city. said city shall faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed, and he shall have power, in his discretion, to report to the common council any violations thereof. He shall, from time to time, give to the common council such information, and recommend such measures as he shall deem necessary and expedient.

Sec. 18. The mayor shall, by virtue of his office, be authorized May perform marriage ceremonies, etc. to take the acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, perform marriage ceremonies, and do all other like acts which justices are by law authorized to do, and may affix to any official certificate the seal of the city.

Sec. 19. The recorder shall be the clerk of the common Recorder to be clerk of council. council, and shall give bond for the faithful performance of his duties, in such sum as the common council shall by ordinance direct; and shall keep a record of their proceedings in proper books provided therefor, and shall open and keep the books of accounts, and such other books of receipts and expenditures as the common council may direct, and in such form and manner as they may order.

Sec. 20. He shall also perform for the city all such duties as To perform duties of township clerks township clerks are required by law to perform for the several townships, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State, except as herein otherwise provided.

To hold official bonds.

Sec. 21. All official bonds of the officers of said city, except as herein otherwise provided, shall be deposited with the recorder for safe keeping, and it shall be his duty to deliver them to his successor in office.

To perform duties of mayor.

Sec. 22. The recorder shall possess the same powers and perform and discharge the municipal duties of the mayor during the absence, inability, death or removal of the mayor.

Aldermen to attend meetings of council.

Sec. 23. It shall be the duty of each alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereupon appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of the city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

To report subordinate officers.

To be conservators of public peace.

Sec. 24. The mayor and aldermen shall be, by virtue of their respective offices, conservators of the public peace.

Marshal to give security

Sec. 25. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require; he shall be chief of the police, and it shall be his duty to serve all process that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the mayor or common council, and may command the aid and assistance of all constables, and all other persons, in discharge of the duties imposed upon him by law; he may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, as sheriffs or constables have by law to execute sim-

To see that laws are executed.

To appoint deputies.

ilar process, and shall be entitled to the same compensation therefor.

Sec. 26. The common council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper to secure the said city and the inhabitants thereof against injuries by fire; to prescribe the manner in which stoves with their pipes in actual use shall be put up, and chimneys built to guard against fires; to compel the owners or occupants of buildings to procure and keep in readiness such number of fire buckets as they may deem necessary; to construct reservoirs, and provide such companies with necessary and proper buildings, engines, and other implements to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons not exceeding one hundred and twenty to one company, as are willing to accept, and as may be deemed proper to be employed as firemen. And every such company shall have power to appoint from their own number its officers, and to pass by-laws for its organization and government, subject to the approval of the common council, and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper. And every person belonging to such company may obtain from such recorder a certificate, which shall be *prima facie* evidence of his membership for one year from the date thereof. Every member of such company during his membership shall be exempt from service on juries, from military tax in time of peace, and from the payment of a poll tax.

Council to pass by-laws relative to fines.

To construct reservoirs.

To appoint firemen.

Firemen to elect their own officers.

To be exempt from jury service and poll tax.

Sec. 27. It shall be the duty of each company to keep in good order and repair its fire engine, hose, ladders and other implements; to assemble at least once in each month for the purpose of working its fire engine; and upon any alarm or breaking out of fire within said city, each company shall forthwith assemble at the place of such fire, with its fire engine and other implements, and be subject to the orders of the chief engineer of the fire department.

To keep engine in good repair.

Duties of
marshal at
fires.

Sec. 28. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same; for which purpose, and as chief of police, he may require the assistance of all bystanders.

Council to
establish
board of
health.

Sec. 29. The common council shall have power and it shall be their duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the city; to establish a board of health, and to invest it with such powers and impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases; to provide for its proper organization, and for the appointment of the proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health, and for the preservation of the health of the inhabitants of said city, and [as] shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

To make
rules for its
government.

To control
taverns and
groceries.

Sec. 30. The common council shall have and exercise in and over said city the same power in relation to the regulation of taverns, groceries, common victualers and others, as are now, or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of cities and villages in relation to tavern keepers and common victualers, and subject to the same conditions and limitations; and no person shall engage in or exercise the business of tavern keeper, inn keeper, common victualer, or saloon keeper, within the limits of said city, until he is first duly licensed as such by the common council; and any person who shall assume to exercise such business or occupation without having first obtained such license shall forfeit and pay for each day he shall so exercise such business or occupation, the sum of two dollars, to be recovered by action of debt in the corporate name of said city,

To license
tavern keep-
ers and
others.

together with the costs of prosecution, before any justice of the peace of said city. The common council shall have power to ^{Fees for licenses.} grant licenses authorizing persons to exercise the business of tavern keeper, inn keeper, common victualer, or saloon keeper within said city, and may impose such fees, to be paid into the city treasury on the granting of such licenses, as they may see fit.

Sec. 31. The common council shall examine, settle and allow ^{To examine and settle accounts.} all accounts and demands properly chargeable against said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same, and for defraying [the] contingent expenses of said city, subject only to the limitation and restrictions in this act contained.

Sec. 32. The common council shall have authority to assess, ^{May levy taxes for city liabilities.} levy and collect taxes on all real and personal estate taxable in said city, which taxes shall be and remain a lien upon the property so taxed until the same shall be paid; and for the purpose of defraying the expenses and all liabilities incurred by said city, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding, exclusive the school taxes, one per cent. on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof taken from the assessment roll of the year preceding the levying of such tax; and the common council, in ^{For highway purposes.} addition thereto, may assess, levy and cause to be collected in each ward respectively, such amount of taxes for street or highway purposes as they may deem necessary, which taxes shall be raised, assessed and collected on the same roll as the other city taxes, but all such street taxes shall be passed to the credit of, and be expended in the ward in which they may be collected. All bridges over Mitchell creek within the limits of said city shall be built and kept in repair by and at the expense of said city. The common council of said city is hereby au- ^{For bridges.} thorized to levey, assess and collect, in addition to all [other] taxes, a sufficient amount of tax annually for that purpose, as

limited by law, which tax shall be known and designated as "bridge tax," and shall be used for no other purpose.

Extra tax;
manner of
raising.

Sec. 33. Whenever the common council shall deem it necessary to raise a greater sum in any one year, exclusive of school taxes, than the amount specified and limited in the preceding section, they may call a meeting of the tax-paying electors of said city, by giving at least five days' notice in writing, to be posted up in two public places in each ward of said city, which notice shall state the time and place of said meeting, and the purpose for which the money to be raised is to be expended; and when such meeting shall be assembled in pursuance of such notice, such electors, by a *viva voce* vote, shall determine what amount of money shall be raised for each object specified

Proviso.

in the notice: *Provided*, That such tax so voted by such electors shall not, in any one year, exceed one per cent. of the valuation of the real and personal estate taxable within said city:

Ibid.

And provided also, That not more than two such meetings shall be called or holden in any one year; and at all such meetings the mayor, or in his absence any member of the common council present at such meeting shall preside, and the recorder shall make and keep a record of the proceedings of such meeting.

Proceedings
when special
tax is to be
raised.

Sec. 34. Whenever the common council shall be authorized as aforesaid, by a vote of the tax-paying electors of said city, to raise a tax for any specific purpose, it shall be lawful for the common council, or a committee thereof, to make out an assessment roll in the premises, levying and assessing said tax upon all the taxable property of said city, according to its true cash value at the time, placing the tax in a column opposite the description and valuation of the property; and when such roll is completed, the recorder shall make and deliver a copy thereof to the treasurer of said city, together with a warrant signed by the mayor and recorder, commanding the said treasurer to collect the same, and make return of his proceedings by virtue thereof, within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date thereof; and it shall be the duty of the treasurer to collect said taxes

within the time specified in said warrant, or within such further time as the common council [may] by resolution direct.

Sec. 35. The supervisor shall, in each and every year, make ^{Assessment} and complete the assessment of all the real and personal prop-
erty within said city, in the same manner, and within the same time as required by law for the assessment of property in the several townships in this State, and in so doing shall conform to the provisions of law governing the action of supervisors of the several townships of this State performing like services, except as otherwise provided in this act; and all State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, within the same time, and in the same manner as is provided by law for the assessment and collection of taxes by township officers, unless otherwise provided in this act.

Sec. 36. The supervisors shall, within the time within which ^{Supervisors} supervisors of townships are required to perform like acts, de-
liver to the treasurer the tax roll, the taxes therein extended, including four per cent. for collection, with the usual super-
visor's warrant to the treasurer thereto attached, directed to the treasurer of the city of Big Rapids, and the said treasurer shall, in [the] collection of such taxes, possess all the powers of a township treasurer; and all persons paying their taxes on or before the second Saturday in January next ensuing, shall be entitled to have three per cent. thereof deducted.

Sec. 37. It shall be the duty of said treasurer, immediately ^{Treasurer to} after said second Saturday in January, to proceed to collect
the taxes unpaid therein, and make return thereof in like man-
ner as is required by township treasurers, and with like effect; and in full compensation for his services in collecting the amount of tax unpaid on such assessment roll, he shall be entitled to retain four per cent. thereof.

Sec. 38. The treasurer of said city shall, before entering ^{To give bond} upon the duties of his office, file with the recorder his bond,
conditioned for the faithful performance of his duties as such
treasurer, in such amount and with such sureties as the com-
and security.

mon council shall require and approve; and such treasurer shall give to the treasurer of the county of Mecosta such other security as is now or may hereafter be required by law of treasurers in the several townships of this State; and for the purpose of the return of all property delinquent for the non-payment of taxes, the treasurer shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law.

To keep acc't
of receipts
and expen-
ditures.

Sec. 39. The treasurer shall keep a regular account of all money received and of all money disbursed by him, in the books to be provided for that purpose, in which the name of every person to whom money shall be paid shall be entered at length, and on what account the same was paid, which books shall, at all reasonable hours, be open to inspection of any inhabitant of said city. All money received for the use of the city shall be paid into the city treasury, and no money shall be drawn from the treasury unless it shall have been previously appropriated by the common council for the purpose for which it shall be drawn, and the treasurer shall pay out no money but upon the written warrant of the mayor and recorder; the treasurer shall also make out a statement of the accounts of the city, or of the different funds, or attend the meetings of the council, with his books, whenever the common council shall direct him to do so: *Provided*, That he shall make and deliver to the council, on the first of each of the months of October and March, in each year, a full report of the condition of the finances of the city, and of the different funds, whether directed by the council so to do or not; and in full compensation for his services as treasurer, he shall be entitled to receive and shall receive one per cent. of the taxes paid in and collected on the general annual assessment roll of the city.

Money; how
drawn from
treasury.

Proviso.

Council to
regulate time
of working
on streets.

Sec. 40. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, paving, planking and railing of all streets, lanes and alleys, sidewalks and crosswalks, and to prescribe the width thereof; to lay out and open

all streets, lanes and alleys, parks and public grounds, and the same to alter and vacate, and to alter and vacate those already laid out; to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to be built in any part of the city; to cause the grading, leveling and repairing of all streets and alleys, sidewalks, cross-walks, parks and public grounds in said city, and to prevent the obstruction or incumbering thereof.

To cause the building of sewers.

To grade streets.

Sec. 41. Whenever, in laying out or altering any street, lane or alley, park or public ground in said city, the common council shall require for such purpose the grounds of any person, they shall give notice thereof to the owner or persons interested, or his or her agent or representative, by personal service, or by written notice posted in three public places in said city, at least three weeks preceding the meeting of said common council for the purpose aforesaid; and the said common council are authorized to treat with such person or persons for such grounds or premises; and if such person or persons refuse to treat for the same, or if the parties cannot agree therefor, it shall be lawful for the recorder of said city to issue a *venire facias* to command the marshal or any constable of said city to summon and return a jury of twelve disinterested freeholders, to appear before said recorder, at any time therein to be stated, to inquire into and ascertain and determine the just compensation to be paid therefor to the owner of or parties interested in such grounds or premises, which jury, being first duly sworn by said recorder faithfully and impartially to inquire into and ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall assess such damages and recompense as they shall judge fit to be awarded to the owner or owners of, or parties interested in such grounds or premises for their respective injuries, according to the several interests or estates therein: *Provided*, That notice of the time and place where such jury will meet as aforesaid, shall be served personally on the persons interested in the premises proposed to be taken, and be published at least

Proceedings when private property is taken.

Notice to owner.

Summoning of jury.

Jury to award damages.

Provided.

one week in the official paper of said city; and upon the return of the assessment or verdict of said jury, the recorder shall enter judgment therefor, confirming the same; and such sum or sums so assessed shall be paid or legally tendered before such street, lane, alley, park or public ground shall be made, laid out, altered or opened, to the claimant or claimants thereof; it shall thereupon be lawful for said common council to cause said grounds to be occupied for the purposes aforesaid: *Provided*, That any party claiming damages as aforesaid may have the right to remove such proceedings by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice of his or her or their intention to do so, to said mayor in writing, within ten days, or in case of the absence of said party from the city at the time of the rendition of the judgment, then within thirty days after the verdict of such jury and the judgment of such court as aforesaid, and also upon filing with said recorder, a bond to the common council of said city in the penal sum of two hundred dollars, with sufficient sureties, to be approved by said recorder, conditioned to pay all costs occasioned by said appeal, if the same should be assessed against him; and upon filing a transcript of the proceedings aforesaid, duly certified by the mayor, within forty days after the verdict and judgment in the circuit court, or in any other court of record having appellate jurisdiction, the same proceedings shall be had as is or may be prescribed by law in other cases of appeal.

Compensat'n
tendered to
owner.

Proviso.

Street com-
missioner to
superintend
the grading
of streets.

Sec. 42. The street commissioner of said city, and such other officers or persons as the common council may direct and appoint, shall, under direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, sidewalks, cross-walks, or other public grounds within the limits of the city, in such manner as he may be from time to time directed; the street commissioner shall collect all capitation or poll taxes in said city; he shall give bonds in such penalty and with such surety as the common council may prescribe and direct, conditioned for the

faithful performance of his duties as such street commissioner, and for the accounting for and paying over all moneys that may come into his hands as such officer by virtue of his office; and such street commissioner shall receive as compensation for his services such sum as the common council may direct and allow; the street commissioner shall be the fence-viewer of the city, and shall possess all the powers and [be] subject to the same liabilities as fence-viewers in townships.

Sec. 43. The common council shall have power to cause the expense of making, grading, paving and opening of streets, lanes, alleys, sidewalks, cross-walks, parks, public grounds and other local improvements to be assessed in whole or in part against the owners or occupants of lots and premises to be benefited thereby, or by general tax in whole or in part, as they may deem just and proper.

Sec. 44. Whenever the common council shall determine that the whole or any part of the expenses of any public improvement not requiring the taking any land by the city, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall ascertain as they may think proper, the estimated expense of such improvement done or to be done, and shall declare, by an entry in their minutes, whether the whole or what portion thereof shall be assessed to such owners or occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; and the costs and expenses of making the plans and assessments incidental thereto shall be included in the estimated expenses of such improvements.

Sec. 45. The common council, or a committee appointed by them for that purpose, consisting of not less than three freeholders of said city, and not interested in any of the property so benefited, shall thereupon make an assessment upon all the owners or occupants of lands and houses within the portion or part of the city so designated, of the amount of the expense aforesaid, in proportion, as nearly as may be, to the advantage

Ibid.

which each shall be deemed to acquire by such improvements, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, and the amount assessed to each of them respectively; and in case such lots or parts of lots shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly, with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of townships, with the value thereof, and the amount assessed therein, which assessment roll shall then be returned and filed with the recorder of said city.

Names of
persons as-
sessed to be
published.

Sec. 46. Upon such return being made and filed, the recorder of said city shall cause notice thereof to be published in the official paper of said city, stating the names of the persons addressed [assessed,] or, in cases of non-residents and owners whose names are unknown, a brief description of the premises taxed shall be inserted, and that at a certain time and place, to be designated in said notice, the common council will meet and review said assessment roll on the request of any person conceiving himself aggrieved.

Time for
reviewal.

Sec. 47. The common council shall, at the time and place in said notice specified, or at some session thereafter, take said assessment into consideration, and may rectify or amend said assessment roll, in whole or in part, or may set the same aside, and direct a new assessment, or they may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper; and when such assessment roll shall be completed and ratified, and confirmed by the council, the recorder shall endorse thereon or annex thereon [thereto] his certificate that such assessment roll was ratified and confirmed by the common council, and the date of such confirmation.

Recorder to
annex cer-
tificate.

Assessm't to
remain a lien
on property.

Sec. 48. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the prem-

ises assessed for such tax; within ten days after such assess-
ment shall have been ratified and confirmed, the mayor and Treasurer
ordered to
collect.
recorder, or either of them, shall affix to such assessment and tax
roll a warrant for the collection thereof, signed by him or them,
under the seal of said city, which warrant shall be directed to
the treasurer of said city, commanding him to collect the same
within a time in said warrant to be specified, not less than
thirty nor more than ninety days from the date of said warrant;
and the said assessment and tax roll, with said warrant annexed,
shall be delivered to said treasurer within the ten days afore-
said, who shall, within the time mentioned in said warrant, or
within such further time as the common council shall allow, be
authorized to levy and collect the same by distress and sale of
the personal property of any person chargeable with said tax;
and in case sufficient personal property cannot be found whereon
to levy and collect such tax, the treasurer shall, within five Return
of unpaid
taxes.
days after the time prescribed and limited for the collection
thereof has expired, make a return under oath to the recorder
of the sums so remaining unpaid, which he [was] unable, for the
want of such personal property, to levy and collect the same,
together with the description of the premises assessed for such
unpaid taxes; and the recorder shall, within ten days there-
after, certify under his hand to the supervisor the amount of
such unpaid taxes, and a description of the premises assessed
and chargeable with such tax, who shall assess such unpaid
taxes on such premises in the general tax roll next thereafter
to be made; and such tax shall then be levied, collected and When prem-
ises may be
sold for taxes
returned, and the said premises may be sold for the non-pay-
ment thereof, as prescribed by law for the non-payment of the
ordinary city taxes.

Sec. 49. The common council shall have power to make all Special
assessment.
such by-laws and ordinances relative to any special assessment
or tax in said city, as they may deem necessary, to levy and col-
lect such tax, in all cases when the manner of levying and col-
lecting such tax is not provided for in this act: *Provided, That* Proviso.
such by-laws and ordinances are not inconsistent with any of

Ibid.

the provisions of this act: *And provided also*, That whenever any person shall be improperly designated as the owner or occupant of any lot or premises, in proceedings under this act, or any of the by-laws and ordinances of said city relative to any special assessment, such tax or assessment shall not for that cause be vitiated, but the same shall be a lien upon such lot or premises, and shall be collected as in other cases.

Proceeds of
sales to be
paid to
treasurer.

Sec. 50. The net proceeds of the sales of all property delinquent for non-payment of city taxes, and of all sums paid to the county treasurer before sale, on account of property returned delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of the county of Mecosta, whenever required by the city treasurer.

Council may
pass laws
relative to
fines.

Sec. 51. The common council shall have authority to make all by-laws and ordinances relative to the calling of the meetings of electors of the city; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city; to regulate the setting of awning and other posts and shade trees in the streets, and to compel the removal of those which are improperly placed therein, and to make all other by-laws, ordinances and regulations, for the purpose of carrying into effect the powers conferred by this act, which they may deem necessary to provide for the safety and good government of the city, and to preserve the health and protect the property of the inhabitants thereof; and to this end the common council may impose fines and penalties for the violation of the by-laws and ordinances which may be made by them as aforesaid: *Provided*,

Setting out
shade-trees.

Proviso.

That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding three months: *And provided further*, That no by-law or ordinance of the common council, subjecting any person to fine or imprisonment, shall be of any effect until the same shall have been published for two successive weeks in a newspaper published in said city.

Ibid.

Sec. 52. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace of said city shall, before entering upon the duties of his office, execute a bond to the city of Big Rapids, in its corporate name, with sureties to be approved by the common council, in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties as a justice of the peace for said city, and to pay over all moneys so collected or paid to him as such, which bond shall be filed in the office of the recorder of said city. Justices to give bonds to city.

Sec. 53. All fines imposed by any by-law or ordinance of the common council may be sued for by the attorney of the city, in the name of the corporation, before any justice of the peace of said city; and whenever any fine shall be imposed by any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending, the amount of such fine, with the interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law; and the defendant shall remain imprisoned until the execution, with the fees of the sheriff, shall be paid: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same. Fines; how collected.

Sec. 54. In all suits in which the city of Big Rapids shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city. Citizens to be competent as jurors.

Offenders
entitled to
jury.

Sec. 55. In all trials before any justice of the peace of any person charged with a violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all proceedings for the summoning of such jury and in the trial of the cause shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice's court to the circuit court for the county of Mecosta shall be allowed; and the party appealing shall enter into a recognizance, conditioned to prosecute the appeal in the circuit court and abide the order of the court therein, or such other recognizance as is or may be required by law in appeals from justices' courts in similar cases.

Manner of
conducting
trials.

Poll tax.

Sec. 56. The common council shall have power to assess and collect from every elector of said city, not exempt by the laws of this State, an annual capitation or poll tax, not exceeding one dollar, and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed, notice of the time and place when and where such labor will be required; and the money raised by such poll tax, or the labor in lieu thereof, shall be expended or performed in the respective wards where the person so taxed shall reside.

Proviso.

Council to
perform
same duties
as township
boards.

Sec. 57. The common council of said city is hereby authorized and required to perform the same duties, in and for said city, as are by law imposed upon the township boards of the several townships of this State, in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisor, justices of the peace, recorder, school inspectors, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same manner, and be subject to the liabilities as provided for the

Officers to
give bonds.

corresponding township officers, except as otherwise provided in this act, or may be provided by the ordinances of the common council.

Sec. 58. Whenever, in the opinion of the common council, any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons and property may be thereby endangered, they may order any owner or occupant of the premises on which such building, fence or other erection stands, to take down the same, or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require; or in case the order is not complied with, may immediately cause the same to be taken down at the expense of the city, and assess the expense on the land on which it stood; the order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

To pull down dangerous buildings.

Sec. 59. The chairman of any committee or special committee of the common council shall have power to administer an oath or take an affidavit in respect to any matter pending before the common council or such committee, and may compel the attendance of any person as a witness for that purpose.

Chairman of committee may administer oaths.

Sec. 60. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy with the mayor, recorder, or city attorney of said city, at least ten days before the day of appearance mentioned therein.

How process shall run.

Sec. 61. No bond or other obligation or evidence of indebtedness of said city shall ever be given or issued by said city, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money, except as expressly provided in this act, but the common council may endorse on all accounts which may be presented against the city the amount allowed by them therein; an account of all claims so allowed shall be kept by the recorder, in a book to be provided for that purpose. No order or warrant for the

How obligations, etc., shall be issued.

payment of money shall be drawn upon the treasury when there shall not be sufficient funds to pay the same.

Compensat'n
of officers.

Sec. 62. Compensation for services may be paid out of the city treasury, as follows: The recorder and attorney shall be entitled to receive respectively such sum as the common council shall allow, not exceeding one hundred and fifty dollars per annum, as salaries, until after said city shall contain over five thousand inhabitants, when said compensation may be any sum deemed reasonable, not exceeding three hundred and fifty dollars per annum. The marshal shall be entitled to receive the same fees for serving processes in behalf of the corporation as constables are by law allowed for similar services, and he shall receive such further compensation as the common council shall allow, not exceeding one hundred and fifty dollars. Justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided. The street commissioner shall be entitled to receive one dollar and fifty cents per day for services, and at the same rate for parts of a day actually employed. School inspectors shall receive the same pay as they are entitled by law to receive in townships, and the compensation of the mayor and aldermen, as such, for attending the meetings of the common council, shall be no more than one dollar per annum.

Annual
statement;
contents of

Sec. 63. The common council shall, in the month of March in each year, make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made; such statement shall be signed by the mayor and recorder, and recorded and filed in the recorder's office; a copy thereof shall be published in a newspaper printed in the city, for at least two weeks.

Sec. 64. This act shall be deemed a public act, and shall be Public act. favorably construed in all courts.

Sec. 65. All of township number fifteen north, of range ten Township organized. west, not included in the limits of the city of Big Rapids, and known as the township of Big Rapids, is hereby organized into a separate township, by the name of the township of Big Rapids.

Sec. 66. The annual township meeting for said township, in Annual township meeting. the year eighteen hundred and sixty-nine, shall be held at the house of John Halpine, in the township of Big Rapids, on the third Monday in April; and Luther Cobb, Frederick Mizner, Board of election. John Halpine, and Ruggles Spooner are hereby constituted the board of election thereof, and shall appoint a chairman and clerk, take the necessary oath, and perform all the duties, have the same powers, and make the same returns as inspectors of election in townships are by law required to do and perform; and in case any of the persons named in this section shall refuse to serve, the vacancies shall be filled in the manner now provided by law.

Sec. 67. At said township meeting in eighteen hundred and Officers and terms of office. sixty-nine, there shall be elected one supervisor, one township clerk, one township treasurer, one justice of the peace for the full term of four years, commencing on the fourth day of July, next after his election; one justice of the peace, whose term of office shall expire on the third day of July, eighteen hundred and seventy-two; one justice of the peace, whose term of office shall expire on the third day of July, eighteen hundred and seventy-one; one justice of the peace, whose term of office shall expire on the third day of July, eighteen hundred and seventy. The terms of office of the justices of the peace, elected for other than the full term, shall commence immediately on the filing of their bonds and taking the oath of office, and the term for which each is elected, shall be expressed on the ballot. There shall also be elected one commissioner of highways for the full term, and one for two years;

[No. 462.]

AN ACT to authorize "the Kalamazoo town agricultural society for improving the breed of horses," to sell and dispose of its real estate.

Society
authorized
to sell real
estate.

SECTION 1. *The People of the State of Michigan enact*, That "the Kalamazoo town agricultural society for improving the breed of horses," be and is hereby authorized to bargain, sell, dispose of and convey any real estate which said society owns,

May execute
contracts,
etc.

or may at any time own hereafter. And for this purpose it may make and execute contracts, mortgages, deeds, and any and all other instruments in writing, including plats of its real estate, to the same extent and with the like effect that the same can now be done by any person, under the laws of this State.

Who to exe-
cute instru-
ments.

Sec. 2. All such instruments in writing may be executed and acknowledged by the president of said society, or by such other member thereof as the officers of said society shall at any time designate for that purpose. And in all cases where a seal shall be requisite to the due execution of any deed or other instrument, the president or member so designated, may use either the corporate seal of said society, or the ordinary seal used by individuals in the execution of similar instruments.

Seal to be
used.

Further
power of
society.

Sec. 3. The said society is also hereby authorized and empowered to do and perform any other act or thing necessary to carry out and complete the purposes of this act.

Sec. 4. This act is hereby declared to be a public act.

Sec. 5. This act shall take immediate effect.

Approved April 5, 1869.

[No. 463.]

AN ACT to organize the township of Baraga, in the county of Houghton.

SECTION 1. *The People of the State of Michigan enact, That* ^{Township organized.} all that part of Houghton county, designated and described as surveyed townships, embracing sections four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one and thirty-two, and fractional sections three, ten, fifteen, twenty-two, twenty-seven, thirty-three and thirty-four, of township fifty-one, and fractional township fifty-two north, of range thirty-three west, fractional townships fifty and township fifty-one and fifty-two north, of range thirty-four west, townships fifty, fifty-one and fifty-two north, of range thirty-five west, and township fifty north, of range thirty-six west, and townships forty-seven, forty-eight and forty-nine north, in ranges thirty-four, thirty-five, thirty-six and thirty-seven west, be and the same is hereby set off from the township of L'Anse, and organized into a separate township, to be called and known as the township of Baraga.

Sec. 2. The first township meeting in said township shall be held at the school-house in school district number two, as at ^{First township meeting.} present numbered, on the third Monday of April, eighteen hundred and sixty-nine, and Walfred Bean, Henry Houghton, and Martin Kelsey are hereby authorized to act as the first inspectors of the said election to elect township officers; and in case of any vacancy in said number of inspectors, from absence or other cause, the electors present shall choose an inspector to fill such vacancy by a viva voce vote.

Sec. 3. If for any reason said township election shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, on giving at least ten days' notice thereof, in four of the most public places in said town- ^{Proceedings when meeting is not held at appointed time}

ship, which notice the said board of inspectors are hereby authorized and required to give.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 464.]

AN ACT to authorize and require the laying out and establishment of a State road from the western terminus of Frasier street, as laid down on the recorded map or plat of Corunna, in the county of Shiawassee, to Washington street, in the city of Owosso.

State road
provided
for.

SECTION 1. *The People of the State of Michigan enact, That* there shall be a State road laid out and established from the western terminus of Frasier street, as laid down on the recorded map or plat of Corunna, in the county of Shiawassee, to Washington street, in the city of Owosso.

Commis'rs
appointed.

Sec. 2. Alexander McArthur and Enoch Eddy, of Corunna, and B. O. Williams, of Owosso, are hereby appointed commissioners to lay out and establish said road; but said road shall be laid out and established, from the western terminus of Frasier street, hereinbefore mentioned, to the west line of the village or city of Corunna, in accordance with a survey made by Andrew Huggins, in June, A. D. one thousand eight hundred and sixty-eight, a map and minutes of which survey is in the office of D. F. Alsdorf, clerk of the village of Corunna; and the remainder of said road shall be laid out and established, as near as may be, in such a manner that the center of the present traveled track shall be the center of said road.

Where road
shall be laid
out.

What laws
to apply to
road.

Sec. 3. All laws applicable to the laying out of State roads, and the recording thereof, not inconsistent with this act, shall apply to said road, and the recording thereof.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 465.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a State ditch, in Tuscola county.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a local commissioner to be appointed by the Swamp Land State Road Commissioner, a State ditch, commencing at the point where the Akron ditch, in the township of Akron, Tuscola county, turns west, near the north side of said township, and running thence north through the township of Geneva, in such county, to the Saginaw Bay, to be called the Geneva and Saginaw Bay ditch.

Sec. 2. Said ditch to be laid out and constructed under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, in regard to the construction of State swamp land roads.

Sec. 3. There is hereby appropriated, to secure the construction of said ditch, including surveys and local commissioner's fees, one section of State swamp land to the mile, to be selected from the State swamp lands in the Lower Peninsula: *Provided*, That no liability is created against the State.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 466.]

AN ACT appropriating State swamp land for the construction of a State road from Cheboygan river to Old Mackinaw.

SECTION 1. *The People of the State of Michigan enact, That* the Duncan, Alpena and Sauble river State road shall be extended from its present northern terminus, at the Cheboygan river, in the township of Inverness, in Cheboygan county, running north-westwardly on the most direct and feasible route, to intersect with the Old Mackinaw and Little Traverse Bay State

road, in the township of Old Fort Mackinaw, in Emmet county, on the Straits of Mackinaw.

Who to lay
out and es-
tablish.

Sec. 2. Said road shall be laid out and established by a commissioner appointed by the Governor, and constructed under the provisions of act one hundred and seventeen, of the session laws of one thousand eight hundred and fifty-nine, and the acts amendatory thereto.

Swamp land
appropriated

Sec. 3. To secure the construction of said extension to said road, there is hereby appropriated one section of State swamp land for each and every mile of said road, to be selected in the Lower Peninsula, and two years from the first day of November next, allowed to complete said road: *Provided*, No deficiency of State swamp lands which may now or hereafter arise to meet the appropriations made by this act, shall so operate as to create any lien or establish any claim against the State.

Proviso.

Approved April 5, 1869.

[No. 467.]

AN ACT to provide for the drainage and reclamation of swamp lands, by means of a State road and ditches, from Tawas Bay, in Iosco county, to the west line of said county to the intersection of the Midland and Traverse Bay State road.

Description
of road.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established a State road upon the following route, to wit: Commencing near the Tawas Bay, at the south-east corner of section nineteen, town twenty-two north, range eight east, running west on the section line, to the south-east corner of section twenty-three, in town twenty-three north, seven east; thence in a north-westerly direction to the centre of section nine, in said town; thence in a westerly direction to the west county line of Iosco county.

Swamp land
appropriated

Sec. 2. For the purpose of survey and construction of said road, there shall be appropriated one section of State swamp land to the mile.

Sec. 3. Said road shall be laid out and constructed under the provisions of act 117, of the session laws of 1859, and the act amendatory thereto: *Provided*, Said lands are selected from the State swamp lands in the Lower Peninsula, and no liability is created against the State of Michigan, outside of the State swamp land grant, and that no deficiency of State swamp lands, which may now or hereafter exist, to meet any appropriation made by this act, shall be so construed as to create any lien or establish any claim against the State.

Law under which road shall be laid out.
Proviso.
Deficiency of land not to create a lien ag't State.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 468.]

AN ACT to lay out and establish a State road in Houghton county, to be known as the Portage River and Torch Lake State road, and to provide for the construction of the same.

SECTION 1. *The People of the State of Michigan enact*, That George Church, Joseph Gregory and Prosper Roberts, of Houghton county, be and they are hereby appointed commissioners to lay out and establish a State road, on the most direct and eligible route, commencing at George Church's Landing, on Portge river, in Schoolcraft township, and from thence along the east shore of Portage Lake to the head of Torch Lake, in said township; said road to be laid out and constructed under the provisions of an act entitled "An act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches," number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, to be known as the Portage River and Torch Lake State road.

Commissioners appointed.

Sec. 2. To secure the construction of said road, there is hereby appropriated one section of swamp land to each mile of said road, to be used and disposed of in the construction

Swamp land appropriated

construction of two roads, from Ontonagon southerly, one of which roads shall be located on the west side of the Ontonagon river.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 472.]

AN ACT to provide for the drainage and reclaiming of swamp lands, by means of ditching and grading a portion of the Sand Beach and Bay City State road, and appropriating non-resident highway taxes therefor.

Non-resident
highway
taxes appro-
priated.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of ditching and grading that portion of the Sand Beach and Bay City State road lying between the eastern terminus of said road and the village of Bad Axe, upon the line of said road, both in the county of Huron, there are hereby appropriated for the term of six years from the passage of this act, all the non-resident highway tax collected from lands lying within two miles of the line of that part of said road included between the points above mentioned.

Special com-
missioner
appointed.

Sec. 2. Watson Robinson, of the township of Seigel, in the said county of Huron, is hereby appointed a special commissioner for the expenditure of the moneys arising from said non-resident taxes; and the board of supervisors of the said county of Huron shall have power to create and fill vacancies in the office of said special commissioner. Such special commissioner, before entering upon the duties of his office, shall make and execute to the county treasurer of said county, a bond in the sum of one thousand dollars, with such sureties as the said county treasurer shall approve, conditioned that he will faithfully apply all moneys received by him in virtue of this act, which bond shall be filed in the office of the clerk of said county.

Bond of.

Sec. 3. It shall be the duty of such special commissioner to ^{Duty of.} render to the board of supervisors of said county, at their annual session, a true account, on oath or affirmation, of the receipt and disbursement of all such moneys received by him during each year, from each township in which such taxes were collected.

Sec. 4. Any overseer of highways or township treasurer, ^{To receive all non-resident taxes.} having received any portion of such non-resident tax, shall pay over to said commissioner any such sum of money, and such commissioner's receipt therefor shall release such overseer or treasurer from liability.

Approved April 5, 1869.

[No. 473.]

AN ACT to detach sections fourteen, twenty-eight and thirty-three, in township fifty-four north, of range thirty-five west, in the township of Hancock, in Houghton county, and attach the same to Adams township, in said county.

SECTION 1. *The People of the State of Michigan enact,* That ^{Territory attached to township.} sections fourteen, twenty-eight and thirty-three, in township fifty-four north, of range thirty-five west, in the township of Hancock, in Houghton county, be and the same is hereby attached to the township of Adams, in said county.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 474.]

AN ACT to authorize the common council of the village of Lowell, in the county of Kent, to cause a re-survey and replatting of said village to be made and recorded, and to assess and collect the necessary expenses therefor.

SECTION 1. *The People of the State of Michigan enact,* That ^{Re-survey of plat of village authorized.} the common council of the village of Lowell, in the county of Kent, be and the same is hereby authorized to make, or cause

construction of two roads, from Ontonagon southerly, one of which roads shall be located on the west side of the Ontonagon river.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 472.]

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Non-resident
highway
taxes appro-
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SECTION 1. *The People of the State of Michigan enact, That* for the purpose of ditching and grading that portion of the Sand Beach and Bay City State road lying between the eastern terminus of said road and the village of Bad Axe, upon the line of said road, both in the county of Huron, there are hereby appropriated for the term of six years from the passage of this act, all the non-resident highway tax collected from lands lying within two miles of the line of that part of said road included between the points above mentioned.

Special com-
missioner
appointed.

Sec. 2. Watson Robinson, of the township of Seigel, in the said county of Huron, is hereby appointed a special commissioner for the expenditure of the moneys arising from said non-resident taxes; and the board of supervisors of the said county of Huron shall have power to create and fill vacancies in the office of said special commissioner. Such special commissioner, before entering upon the duties of his office, shall make and execute to the county treasurer of said county, a bond in the sum of one thousand dollars, with such sureties as the said county treasurer shall approve, conditioned that he will faithfully apply all moneys received by him in virtue of this act, which bond shall be filed in the office of the clerk of said county.

Bond of.

Sec. 3. It shall be the duty of such special commissioner to ^{Duty of.} render to the board of supervisors of said county, at their annual session, a true account, on oath or affirmation, of the receipt and disbursement of all such moneys received by him during each year, from each township in which such taxes were collected.

Sec. 4. Any overseer of highways or township treasurer, ^{To receive all non-resident taxes.} having received any portion of such non-resident tax, shall pay over to said commissioner any such sum of money, and such commissioner's receipt therefor shall release such overseer or treasurer from liability.

Approved April 5, 1869.

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AN ACT to authorize the common council of the village of Lowell, in the county of Kent, to cause a re-survey and replatting of said village to be made and recorded, and to assess and collect the necessary expenses therefor.

SECTION 1. *The People of the State of Michigan enact,* That ^{Re-survey of plat of village authorized.} the common council of the village of Lowell, in the county of Kent, be and the same is hereby authorized to make, or cause

to be made a re-survey of the lots, [streets] and alleys of said village, and to cause a map or plat of said village, as re-surveyed, to be filed and recorded in the register's office of the county of Kent, including all additions heretofore made to said village, or that may be made prior to the time of making and completing such re-surveys; and said plat, when certified to under the hands of the common council, and by them duly acknowledged, and recorded in manner as aforesaid, shall be deemed the official plat of said village, and all assessments and conveyances made of lots described as numbered therein, shall be deemed valid. And the said common council is hereby authorized to assess upon the taxable inhabitants of said village, a sum sufficient, not to exceed five hundred dollars, to pay the expense of such re-survey and map or plat thereof, and of recording the same, which tax shall be assessed in the same manner, and collected at the same time, in the same manner, and by the same persons as other village taxes of said village are now by law required to be assessed and collected: *Provided*, That in the re-survey of said lots, streets and alleys, no street or alley in said village shall be vacated or altered, as now laid out: *And provided further*, That said re-survey shall not interfere with the vested rights of any person owning any real estate therein.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 475.]

AN ACT to amend an act to incorporate the village of Lowell, approved March fifteenth, eighteen hundred and sixty-one, as amended by act number one hundred and sixty-nine, of the session laws of eighteen hundred and sixty-five, approved March fourteenth, eighteen hundred and sixty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act numbered two hundred and eleven, entitled "An act to incorporate the village of Lowell," approved

March fifteenth, eighteen hundred and sixty-one, as amended by act number one hundred and sixty-nine, of session laws of eighteen hundred and sixty-five, approved March fourteenth, eighteen hundred and sixty-five, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* ^{Boundaries.} all those parts or tracts of land embraced within the following territory or described limits, to wit: All of that portion of section two lying north of the meandered line on the north side of Grand river, and all of that portion of section one lying west of the quarter line, and north of said meandered line of Grand river, all in township six north, of range nine west, in the county of Kent, and all territory within said described boundaries or limits, be and the same are hereby constituted a village corporate, and shall hereafter be known by the name of the village of Lowell: *Provided, That* nothing in this act shall ^{Provide.} be construed as taking from the township of Lowell jurisdiction over the highways and bridges in said village of Lowell: *And* ^{Ibid.} *provided further, That* Washington street, as platted in Richard's and Wickham's plat of said village, and its continuations to the north and south lines, as hereby constituted, of said village, shall be a public highway and entitled to highway labor under the direction of the proper authorities of the township of Lowell.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 476.]

AN ACT to authorize a re-survey of the village of Vernon, in the county of Shiawassee, and to record the plat thereof.

SECTION 1. *The People of the State of Michigan enact, That* ^{Re-survey of village authorized.} D. C. Holly, W. D. Garrison, and T. J. Winans be and the same are hereby authorized to make, or cause to be made, a re-survey of the lots, streets and alleys of the village of Vernon, in

Shiawassee county, and to cause a map or plat of such village as re-surveyed, to be filed and recorded in the register's office of said county, including all additions heretofore made to said village, or that may be made prior to the time of making and completing such re-survey: *Provided*, That in the re-survey of said lots, streets and alleys, no street or alley in said village shall be vacated or altered as now laid out: *And provided further*, That said re-survey shall not interfere with vested rights of any person owning real estate therein.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 477.]

AN ACT to amend an act entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water," approved February fourteenth, one thousand eight hundred and fifty-three, by adding one new section thereto.

Section
added.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby added to an act entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water," approved February fourteenth, one thousand eight hundred and fifty-three, a new section to stand as section twenty-eight, and to read as follows:

Commissioners
authorized to
levy special
assessment.

Sec. 28. In addition to all other powers conferred upon said commissioners, they are authorized to and shall assess upon each and every lot in the city of Detroit, in front of which water-pipes are laid, an annual tax or assessment of three cents per lineal foot of the frontage of such lot or lots, and which do not pay water rates, which shall be a lien upon such lot or lots, and may be collected from the owner or owners of such lot or lots, or by sale thereof in the same manner as is provided by sections nine and ten in reference to water rates: *Provided*, That no such lot or lots shall be so taxed on more than one

Proviso.

front; and where such pipes are laid across more than one front of any lot, only the shortest front shall be estimated in making such assessment.

Sec. 2. Section twenty-eight of section two shall stand as section twenty-nine, and section twenty-nine as section thirty.

Sec. 3. This act shall take immediate effect.

Approved April 5, 1869.

[No. 478.]

AN ACT to provide for laying out and establishing a State road in Kent and Ionia counties, and opening the same.

SECTION 1. *The People of the State of Michigan enact*, That Commissioners appointed. Arvine Peck and John W. Fallas be and the same are hereby appointed commissioners to lay out and establish a State road, commencing at the village of Lowell, in Kent county, in the State of Michigan, and running thence by the way of Fallasburg to Smyrna, in Ionia county.

Sec. 2. It shall be the duty of said commissioners to lay out Duties of. and establish said road, to cause the same to be surveyed, and a description of such part thereof as is in each township in or through which said road shall be located, to be filed with the township clerk of such township, whose duty it shall be to record the same; and such record, or a certified copy thereof, shall be *prima facie* evidence of the existence of said road.

Sec. 3. The right of way for such road through any lands Right of way granted. belonging to the State is hereby granted and confirmed to the townships in which such lands are.

Sec. 4. In all cases in which damages are claimed by reason Proceedings when road passes thro' private lands of the laying out and establishing said road through private lands, the said commissioners shall have power to settle the same, and certify the amount with their return; and if they are unable to agree with the claimant on the amount of such damages, they shall make application in writing to the judge of the circuit court, in either of the counties in which said

road shall be laid, either in vacation or in term time, for the appointment of three commissioners; and the said judge shall, within ten days thereafter, by writing, appoint three disinterested men, who, after taking and subscribing an oath before any officer authorized to administer the same, to discharge their duties impartially, which oath shall be returned with their appraisal, shall, within twenty days after their appointment, appraise all the said damages, which appraisal shall be final, and make return thereof in writing to the township clerk of the township in which the land is situated, who shall certify the amount of such appraisal, or such agreement with said commissioners, to the supervisor of his township, who shall levy and order the collection of the same in the next tax roll of his township, in the same manner as other township taxes are collected. But the State of Michigan shall not be liable for any damages for right of way, nor any expenses in establishing or improving such road.

Commis'srs;
appointment
of

To appraise
damages.

State not to
be liable for
damages.

Commis'srs
to direct how
certain taxes
shall be ex-
pended.

To report to
Auditor
General.

Non-resident
highway tax
appropriated

Sec. 5. The said commissioners shall have power, and it shall be their duty to order such portion of the highway tax as is levied upon each legal subdivision of forty acres, a moiety of which is situated within one-half of a mile of the line of said road, in the several road districts through which said road may pass, as in their opinion may be just and necessary for the working of said road, to be expended thereon, and shall direct the overseers of highways of said road districts how they shall expend the same, together with all moneys that may, by virtue of this act, be expended on said road for the term of five years from the passage of this act; and shall make an annual report to the Auditor General of the State, on or before the thirtieth day of November in each year, of all their proceedings, and moneys expended under this act, who may remove any or all of said commissioners and appoint others in their stead, whenever, in his opinion, the public good requires it.

Sec. 6. All moneys in the several townships in which said road may be located, arising from non-resident highway tax on

lands situated within two miles of said road, shall be expended for the working and improvement of said road.

Sec. 7. The commissioners shall receive for their services two dollars per day for time actually spent in performing their duties, and shall also be allowed for actual expenses incurred in the employment of surveyor and other necessary help, which expenses shall be paid by the several townships in which the said road shall be located: *Provided*, That no township shall pay for any services rendered, or expenses incurred in any other township. Fees of commissioners. Proviso.

Sec. 8. It shall be the duty of the commissioners of highways, and overseers of highways in any township or road district in which such road may be, to open and work the same, in the same manner and by virtue of the same law, as township roads are opened and worked. Laws under which road shall be worked.

Approved April 5, 1869.

[No. 479.]

AN ACT to grant further time to the supervisor of Kalamazoo township, in the county of Kalamazoo, to perfect the assessment rolls of said township.

SECTION 1. *The People of the State of Michigan enact*, That section twenty, compiled laws, in the act entitled "An act to provide for assessing property at its true value, and for levying and collecting taxes thereon," be so construed in its application to the township of Kalamazoo, as not to require the supervisor of said township to be present at his office for the purpose of reviewing his assessment, on the Saturday next preceding the second Monday in May, but that said time for said review in said township of Kalamazoo shall be the last Saturday of May in each year, from eight o'clock in the forenoon until twelve, noon, and from one to five o'clock in the afternoon. Time for review determined upon.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 480.]

AN ACT to detach the county of Emmet from the thirteenth judicial circuit, and to attach the same to the eleventh judicial circuit.

County
attached to
eleventh
circuit.

SECTION 1. *The People of the State of Michigan enact, That the county of Emmet be and the same is hereby detached from the thirteenth judicial circuit, and attached to the eleventh judicial circuit.*

Who to hold
courts.

Sec. 2. The judge of the eleventh judicial circuit shall hold the courts now appointed to be held in and for said county, and shall hereafter perform all the duties of a circuit judge therein.

Sec. 3. All parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 481.]

AN ACT to rescind the powers of the corporation known as "The Michigan Furniture Company," and to provide for winding up its affairs in pursuance of section 1823 of the compiled laws.

Corporation
dissolved.

SECTION 1. *The People of the State of Michigan enact, That the powers of the corporation known by the name and style of the Michigan Furniture Company, be and they are hereby rescinded, and said corporation is hereby dissolved, and the affairs of said corporation may be settled, and its effects divided among its shareholders, as if they were ordinary partners, the same as the affairs of a partnership may be closed up and settled: Provided, That all creditors of said corporation may sue the same by name, and collect their claims in the same manner as if this act had not been passed.*

How affairs
of, shall be
settled.

Proviso.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 482.]

AN ACT setting aside the action of the school inspectors of the townships of Arbela and Millington, in the county of Tuscola, in forming fractional school district number three, and re-establishing the old district.

SECTION 1. *The People of the State of Michigan enact, That* Action of school inspectors set aside. the action of the school inspectors of the townships of Millington and Arbela, in the county of Tuscola, on the eighth day of September, eighteen hundred and sixty-eight, in forming fractional school district number three, of the said townships of Arbela and Millington, in said county, be and the same is hereby set aside, and the original boundaries of school district number four, of Arbela, and number five, of Millington, be and the same are hereby restored: *Provided, That* nothing Proviso. herein contained shall hereafter prevent the school inspectors of the proper townships from exercising all the control over the boundaries of said district which they are now authorized to do.

Sec. 2. All money raised by tax for the purpose of building Money refunded to tax-payers. a school-house in said fractional school district number three, and not already expended, shall be refunded to the tax-payers, or tax-payers paying the same, on demand.

Approved April 5, 1869.

[No. 483.]

AN ACT to change the name of Eva E. Strong to Rebecca Barnes, and to constitute her heir-at-law of Henry S. Barnes and Sarah Barnes.

SECTION 1. *The People of the State of Michigan enact, That* Name changed. the name of Eva E. Strong be and the same is hereby changed to Rebecca Barnes, and that she be constituted the heir-at-law of Henry S. Barnes and Sarah Barnes, and that she shall not be the heir-at-law of George F. Strong and Mary P. Strong.

Approved April 5, 1869.

[No. 484.]

AN ACT to detach and attach certain territory from and to the school district, known as the public schools of the village of Hudson, organized by act No. 426, of the session laws of one thousand eight hundred and sixty-seven, entitled "An act to incorporate the public schools of the village of Hudson," approved March 25th, A. D. one thousand eight hundred and sixty-seven.

Territory detached from school district; how disposed of.

SECTION 1. *The People of the State of Michigan enact, That* so much of the territory now included in the school district known as the public schools of the village of Hudson, organized by act No. 426, of the laws of one thousand eight hundred and sixty-seven, entitled "An act to incorporate the public schools of the village of Hudson," as formerly belonged to and composed school district No. five, of the township of Hudson, together with such other territory lying east of Tiffin river, in said township, as was by said act included in said incorporate district, be and is hereby detached from the district known as the public schools of the village of Hudson, and placed under control of the board of school inspectors of the township; also, the following described tracts of land, viz: the west-half of the north-east quarter of section twenty-four, the west-half of the south-east quarter of section thirteen, and the north-half of the south-east quarter of section twelve, being in town seven south, of range one west, be and is hereby detached from the said incorporate school district, and restored to their former school district organization, and the balance of the territory composing said incorporate district, together with the north-east quarter of section twenty-five, in town seven south, range one west, which is hereby attached to said incorporate district, shall continue to be the district known as the public schools of the village of Hudson, with the powers and privileges conferred by said act No. 426, of the laws of one thousand eight hundred and sixty-seven; and the board of trustees of the public schools of Hudson shall equitably adjust between the two districts the amount that has been expended on school-

Board of trustees to adjust am't expended.

houses since the act of incorporation, and other pecuniary matters of said incorporate district, and shall also arrange for the division of the personal property of said incorporate district, according to the equities of acquisition of said property, either before or after said act of incorporation; and all right and title to the real estate formerly belonging to school district No. five of Hudson, which was by said act of incorporation transferred to the public schools of the village of Hudson, is hereby annulled, and the public schools of the village of Hudson shall not be liable for any obligations hereafter contracted by the territory hereby detached.

To arrange
division of
personal
property.

Right and
title annul'd

Sec. 2. This act is to take effect after May 1st, eighteen hundred and sixty-nine.

Approved April 5, 1869.

[No. 485.]

AN ACT to authorize the township board of the township of Fairfield, Shiawassee county, to audit certain accounts.

SECTION 1. *The People of the State of Michigan enact, That* the township board of the township of Fairfield, county of Shiawassee, be and are hereby authorized to audit the account of George B. Munson, for the sum of one hundred and twenty-two dollars, and interest from February fifteenth, eighteen hundred and sixty-five, to time of allowance: *Provided, That* a majority of the electors of the said town of Fairfield shall so direct, at the next annual election.

Township
board au-
thorized to
audit certain
account.

Provide.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 486.]

AN ACT to amend an act entitled "An act to revise the charter of the city of Detroit," approved February fifth, one thousand eight hundred and fifty-seven, as amended by several acts amendatory thereof.

Chapters
amended.

SECTION 1. *The People of the State of Michigan enact, That* chapters two, five, six, seven, eight and nine of an act entitled "An act to revise the charter of the city of Detroit," approved February fifth, one thousand eight hundred and fifty-seven, as amended by several acts amendatory thereof, be and they are severally amended so as to read as follows:

Sections
amended.

Sec. 2. That sections two and three, of chapter two of said act be amended so as to read as follows:

Officers
appointed.

Sec. 2. The following officers shall be appointed by the common council, at a meeting to be held on the second Tuesday in January; in each year, viz: Superintendent of almshouse, a clerk of the recorder's court, who shall be appointed on the recommendation of the recorder; a deputy director of the poor, or clerk, who shall be appointed upon the recommendation of the director of the poor; one or more collectors, one or more physicians, one or more street commissioners, and one or more clerks of the market, and such other officers, deputies, assistant officers and agents as may be necessary, and whose appointment shall be authorized by prior resolution of the common council. A controller shall be appointed on the

Supt. of
almshouse.
Clerk of re-
corder's
court.
Deputy di-
rector of the
poor.
Collector.
Physician.
Street com-
missioners.
Clerk of
market, etc.

Controller.

Receiver of
taxes.

Supt. of house
of correction
Counselor.

Provido.

Ibid.

second Tuesday of March preceding the expiration of his term of office; and, on the nomination of the mayor, a receiver of taxes, whose term of office shall be two years; a superintendent of the house of correction, whose term of office shall be three years, and a counselor, who shall be a practicing attorney, and whose term of office, duties and compensation shall be prescribed by the common council: *Provided, That* any appointment which shall not be made on the day named, may be made at any subsequent regular session of the common council: *And provided further, That* any office created by ordinance or resolution of the common council may be filled at

any time until the second Tuesday of January following, when, as in case of other offices, the regular term of service shall commence, and the office, if continued, be filled for the ensuing year, unless otherwise provided by the ordinance or resolution creating such office.

Sec. 3. There shall be the following board of officers of the corporation: A board of water commissioners, to be appointed and constituted as provided for in the act incorporating the board of water commissioners of the city of Detroit, approved February fourteenth, one thousand eight hundred and fifty-three. A board of education, to be constituted as provided for in the act incorporating the board of education of the city of Detroit, approved February seventeenth, one thousand eight hundred and forty-two, and all present and existing acts amendatory thereto, and a board of inspectors of election, to be appointed and constituted as hereinafter provided, and a board of three sewer commissioners, who shall be appointed by the common council, on the nomination of the mayor, and who shall appoint a competent engineer, and with his aid it shall be their duty to propose a plan for constructing sewers and drains for the whole city, having reference however to the sewers and drains already constructed or in process of construction; and said board shall have the control of all public sewers and private drains already constructed or in process of construction; and said board shall have the control of all the public and private sewers within the city, and shall, in the month of March of each year, furnish to the common council a list of all the public sewers, together with the estimated cost of the same, which they recommend to be constructed or built within said city, for the fiscal year ending January thereafter; and the common council shall decide which of the sewers so recommended by the board, they will have built or constructed under the supervision of the said sewer commissioners; and the common council shall not have power to build or contract to build any sewer or sewers within said city, that the board of sewer commissioners has not recommended in their report in the month of

Board of
officers.
Water com-
missioners.

Education.

Inspectors
of election.

Sewer com-
missioners;
powers and
duties of.

March, as provided for in this act; and said board shall have such further powers and duties, in respect to the sewers and drains of said city, as said common council shall by ordinance prescribe. Said commissioners shall receive no compensation for their services; shall hold their office for the term of five years, with the exception of the first board, who shall hold their office for the respective terms of three, four and five years, and the respective terms of each shall be determined by lot, under the direction of the city attorney and controller, and when thus determined, said determination shall be certified by said city attorney and controller to the common council, and entered upon their journal; and such certificate shall be evidence of the respective terms for which the several members of said board have been elected. It shall be the duty of the engineer, under the direction of said board, to superintend the construction and repairing of all sewers.

Sec. 3. That chapter two of said act be and is hereby amended, by adding thereto a new section, to stand as section thirty-five, and to read as follows:

Sec. 35. Whenever any question or controversy shall arise between two or more persons as to who is the legal incumbent of any office provided for in section five of this chapter, any party interested therein may make a complaint, in writing, to the recorder of said city, who shall thereupon cause to be issued a summons or citation to all the parties to appear before him at a place, hour, and day to be named; and at such time and place said recorder shall proceed to summarily examine the matters in question, to hear all legal evidence, and to render his judgment as to who is the legal incumbent. The examination may be continued from time to time. The judgment of the recorder shall be final and conclusive, until reversed by the Supreme Court, on the rights of the parties; and upon presentation to him of a copy thereof, certified by the recorder or by the clerk of the recorder's court, it shall be the duty of the chief of police, or other officer appointed by the court of said city to forthwith put the person adjudged the legal incumbent

in the actual possession of all the rights and franchises of such office, and all buildings, books and property belonging to or pertaining to such office, and protect and preserve such possession, using for such purpose all necessary force, which shall, on demand, be furnished by the board of police commissioners.

Sec. 4. That section twelve of chapter five of said act be Section amended. amended so as to read as follows:

Sec. 12. The style of ordinance shall be: "It is hereby Style of ordinances. ordained by the common council of the city of Detroit." No How to be revised. ordinance shall be revised, altered or amended by reference to its title only, but the section or sections of the ordinance altered or amended shall be reenacted and published at length.

Sec. 5. That chapter five be and is hereby amended by adding Chapter amended. thereto three new sections, to stand as sections twenty-six, twenty-seven and twenty-eight, and to read as follows:

Sec. 26. Whenever any special assessment for the improve- Invalid assessments; how vacated ment of a street, or for any other public work shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside. And when any such special New assessment; how made. assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made, for the purpose for which the original assessment was made. Such new assessment shall be made in the manner provided for making original assessments of like nature, in force at the time when such assessment should be made. And whenever the When original tax has not been refunded; how applied. tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment, set aside or held invalid as aforesaid, has been paid and shall not have been refunded, it shall be the duty of the receiver of taxes to apply said payment upon the re-assessment on said lot or parcel, and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter making Assessments to be a lien upon lots. special assessments a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collec-

tion of special assessments, shall apply to re-assessments made under this section. The provisions of this section shall apply to special assessments heretofore made, as well as to those which shall hereafter be made.

Sewers
through pri-
vate prop'ry

Proceedings
thereon.

Proviso.

Ibid.

Re-payment
of taxes.

Sec. 27. Whenever, in the opinion of the common council, it shall be beneficial to do so, they may direct any public or lateral sewers or drains mentioned in this chapter to be constructed in and through private property and lots; in all cases where the council deem it expedient to lay public or lateral sewers or drains through private property, and to take private property or the use thereof for such purposes, proceedings shall be had as near as may be, similar in all respects to those now provided for in the case of taking private property for the opening, widening or extending streets and alleys, and damages and benefits shall be assessed in the same manner: *Provided*, First, benefits may be assessed upon all lots in each block in which the drain or sewer is laid which are benefited by the improvement; and further, that all damages actually awarded to parties shall be paid out of the sewer fund, and all assessments for benefits when collected shall be paid into the credit of said fund: *Provided further*, That when a public or lateral sewer is laid through private property, the same shall be done with the least practical injury or inconvenience to owners or occupants, and using like care; the sewer commissioners, their agents and employes shall, at all times, have free access to the premises for the purpose of making necessary repairs to and connection with such public and lateral sewers or drains.

Sec. 28. The said common council shall also have power, when it shall appear that any tax or assessment is unjust, or is based upon property not owned by the person to whom it is assessed, by a two-thirds vote of all the members elect, repay the same out of the contingent fund, if collected, or if not collected, to vacate the assessment in whole or in part, in the manner and with like effect as is provided for in cases of illegal taxes and assessments, in this chapter.

Sec. 6. That section twenty-two of said chapter five be ^{Section amended.} amended so as to read as follows:

Sec. 22. The common council, in addition to its other powers ^{Powers of council.} under this act, and subject to and consistently with its provisions, shall have power within the limits and jurisdiction of the corporation:

First. To determine and regulate the compensation of all ^{Compensation of officers.} officers elected or appointed under this act, except as is herein otherwise provided; but the compensation of no officer, fixed by an annual or periodical salary, shall be diminished during the term for which he was elected or appointed. The salary ^{Salary.} of no officer shall be increased during his term of office, unless by a two-thirds vote of the common council.

Second. To provide for and regulate the election and appoint- ^{Appointment and removals} ment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act.

Third. To authorize and regulate the demand and receipt, ^{Fees and costs.} by officers, of such fees and costs, and in such cases as the common council may deem reasonable.

Fourth. To fix and regulate the fees of jurors and witnesses, ^{Fees of jurors and witnesses.} in any proceeding under this act, or under any ordinance of the common council.

Fifth. To provide for and preserve the purity and salubrity ^{Detroit river.} of the waters of the Detroit river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome, or offensive; to preserve and regulate the navigation of the said river, within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth, or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may, at any time, occur therein, and to direct and regulate the stationing, anchoring, and mooring of vessels, and laying out of cargoes and ballast from the same.

Sixth. To license, continue, and regulate so many ferries ^{Ferries.} from within said city, to the opposite shore of the Detroit river, for carrying and transporting persons and property across said

river, in such manner as shall seem most conducive to the public good.

Wharves and docks. *Seventh.* To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Detroit river, beyond a certain line to be established by the common council; and to prohibit the incumbering of all public wharves and docks, with boxes, carriages, carts, drays, sleighs, sleds, or other vehicle or thing whatsoever.

Leases of wharves. *Eighth.* To lease the wharves and wharfing privileges at the ends of streets, on the Detroit river, in said city, upon such terms and conditions, and under such covenants, and with such remedies, in case of non-performance, as the common council may direct; but no buildings shall be erected thereon. No lease thereof shall be executed for a longer period than three years, and a free passage at all times, for all persons, with their baggage, over said public wharves.

Highways and streets. *Ninth.* To work and improve all highways, avenues, streets, lanes, alleys, and public spaces within said city; to assess and levy upon all taxable property within said city, and expend such highway taxes as may be necessary therefor, and to elect whether the same shall be collected in money or labor, in such amount as the common council shall prescribe for each ward respectively: *Provided,* Such highway taxes shall not in amount exceed the rates now fixed by law, and the same shall be collected, assessed, and levied as other taxes.

Public parks, etc. *Tenth.* To make, grade, improve, and adorn the public parks, squares, spaces, and all grounds in said city, belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof.

Opening of streets, etc. *Eleventh.* To establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, avenues, lanes, alleys, and public grounds or spaces within said city, and to grade, pave, repair, and otherwise improve the highways, streets,

avenues, lanes, alleys, or interior public spaces, created by the intersection of streets, cross-walks and sidewalks in said city, with stone, wood, brick, or other material; and the common council shall have full power and authority to provide for paying the costs and expenses thereof, by assessment in such manner as shall be prescribed by law, which assessments shall be a lien until paid on the lot, lots, or premises on which the same are bounded, and shall be collected in such manner as shall be authorized by law. Paying costs and expenses

Twelfth. To sell, or otherwise provide for disposing of all dirt, etc. dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same.

Thirteenth. To clean the highways, streets, avenues, lanes, alleys, public grounds and squares, cross-walks and sidewalks in said city, of filth, mud, and other substances; to prohibit and prevent the incumbering thereof with boxes, signs, posts, and all other materials or things whatsoever, and to remove the same therefrom; to prevent the exhibition of signs on canvas, or otherwise, in and upon any vehicle standing or traveling upon the streets of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs therein; to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto, of snow, ice, dirt, mud, boxes, and every incumbrance or obstruction thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used and enjoyed; to direct and regulate the planting, and provide for the preservation of ornamental trees therein; to provide for and regulate the lighting of the same, and the erection of lamps and lamp-posts therein; to prohibit and prevent racing, and fast or dangerous driving and riding therein; to prohibit and prevent the flying of kites, and all practices, amusements Cleaning streets, etc.

and doings therein having a tendency to frighten teams and horses, or dangerous to life or property; to remove, or cause to be removed, all walls and other structures that may be liable to fall therein, or otherwise, so as to endanger life or property.

Riots, etc.

Fourteenth. To prohibit and prevent any riot, rout, disorderly noise, disturbance or assemblage, or the crying of any goods in the streets, or elsewhere in said city.

Quiet on docks and streets.

Fifteenth. To preserve quiet and order on the docks, and in the streets of said city, at the arrival and departure of railroad cars, steamboats and other vessels, and prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotels or public houses, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers, or for baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles shall stand, and to prohibit or prevent them from entering or driving within any railroad depot, or upon any wharf or dock, or entering upon any steamboat or other vessel to solicit passengers, or for baggage.

Stands for vehicles.

Sixteenth. To prescribe places or stands in the streets of said city, within which drays, carts, cabs, hacks, coaches, carriages, sleighs, sleds and other vehicles may stand and be kept for hire, and within which loads of wood, coal, hay, and other articles may be kept for sale, and to regulate such stands and places.

Fire-works.

Seventeenth. To prohibit and prevent the exhibition of fire-works, and firing of cannon, or any fire-arms which the common council may deem dangerous to life or property.

Paving sidewalks.

Eighteenth. To permit any person to pave or plank the sidewalks in front of the premises owned or occupied by such person, in said city, under the direction of the street commissioners, or some other officer of the corporation, and according to such regulations as the common council shall prescribe; and whenever any street shall have been paved, graveled, planked or macadamized by the common council, and the assessment for the costs and expenses thereof has been duly paid to the cor-

poration, such person shall not be assessed or compelled to pay any district, road or highway tax on the premises in front of which such pavement shall have been made, so long as he shall keep the same in repair, to the satisfaction of the common council.

Nineteenth. To prohibit and prevent, in the streets or else- Indecent exposure of person, etc. where in said city, indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind.

Twentieth. To prohibit and prevent, or regulate the leading Cattle at large in streets. and driving, or running at large of cattle, horses, asses, mules, swine, sheep, goats, geese and domestic fowls in the streets, or elsewhere in said city, and to impound the same when running at large, in one or more sufficient pounds, to be provided and maintained by the city, and to sell the same to pay the costs of proceedings, and any penalty thereby incurred, rendering the surplus, if any, to the owner.

Twenty-first. To prohibit and prevent, or regulate the run- Dogs. ning at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of the common council; to compel persons Securing teams. to fasten or secure their horses, oxen, or other animals attached to vehicles, or otherwise, while standing or remaining in the streets, lanes or alleys of said city; to prohibit and prevent Driving on sidewalks. persons from driving in vehicles, or otherwise, upon or across the sidewalks of said city.

Twenty-second. To establish, construct, maintain, repair, en- Bridges, culverts, sewers and drains. large, and discontinue, within the highways, streets, avenues, lanes, alleys and public places of said city, such bridges, culverts, sewers, drains, and lateral drains and sewers, as the common council may see fit, with a view to the proper sewerage and drainage of said city; to compel the owners of all occupied lots, premises, and subdivisions thereof, within said city, to construct private drains or sewers therefrom, to connect with some public sewer or drain. Said private drains

and sewers shall be constructed in such manner, and of such form and dimensions, and under such regulations as the common council shall prescribe.

Assessment
on cellars,
lots, etc.

Twenty-third. To assess, levy, and collect an annual assessment or tax, on all lots and subdivisions thereof, and on all cellars drained by private drains or sewers, connected with any public sewer or drain, as hereafter further provided.

Boundaries
of city and
streets.

Twenty-fourth. To survey, ascertain, and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, public parks, squares, and spaces in said city; to prohibit and remove all encroachments upon the same, by buildings, fences, or in any other manner, and to number the buildings; the expense of such numbering to be assessed against and collected of the owner or occupant.

Number
buildings.

Draining
swamps.

Twenty-fifth. To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches; but a jury of not less than six disinterested freeholders of the county of Wayne, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also, whether the benefits which will accrue to the owner or owners of any lands, from the opening of the ditch, will or will not be equal to any damages he or they will sustain thereby. If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefits their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements, to cut and open said ditch, to protect, clean, and scour it from time to time, so as to preserve its original dimensions, and to prohibit and prevent all obstruction thereof or injury thereto.

Markets.

Twenty-sixth. To erect and maintain market houses, establish markets and market places; to lease market stalls, booths, and

stands; to provide fully for the good government and regulations thereof, and to prohibit, prevent, and punish forestalling and regrating.

Twenty-seventh. To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally, and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties. Public health.

Twenty-eighth. To prohibit, prevent, abate, and remove all nuisances in said city, or within the distance therefrom of half a mile, and to punish the authors or maintainers thereof, and authorize and direct the speedy or immediate abatement or removal of nuisances, by some officer of said city. If, in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level, or drain any lot or premises, they shall have power so to do; to assess the cost and expenses of such filling, leveling, or draining, and impose the same as an assessment or tax on said lot or premises, which shall be a lien thereon till paid, and shall be collected in the same manner as other taxes and assessments, levied and imposed by authority of the common council. Abatement of nuisances.

Twenty-ninth. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap, candle, starch, or glue factory, tannery, butcher's shop or stall, slaughter house, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse or abate the same, whenever necessary for the health, comfort, or convenience of the inhabitants of said city. Ibid.

Thirtieth. To prohibit and prevent any person from burying, depositing, or leaving within the limits of said city, or within one mile distant therefrom, or keeping, or having on the premises owned or occupied by him, in said city, any dead carcass, putrid or unsound beef, pork, fish, hides and skins, Ibid.

and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city; or to compel any person so bringing, depositing, or leaving the same within the limits of said city, or one mile distant therefrom, or having or keeping the same on the premises owned or occupied by him, in said city, to remove the same.

Cellar rs.

Thirty-first. To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some officer of the corporation, and assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon, which assessment shall be a lien on such lot or premises, and be collected in the same manner as other assessments imposed by authority of the common council. To direct and regulate the construction of lateral sewers or drains, for the purpose of more effectually draining all lots or cellars, yards and sinks within the limits of said city, whenever, in their opinion, the same shall be necessary: [*Provided,*]

Proviso.

Such lateral sewers or drains shall be laid or constructed through any of the streets and alleys adjoining, or in front of the premises through which sewers or drains shall be ordered constructed, and assess the expense thereof on such lots or premises benefited thereby, which assessment shall be a lien on such lots or premises, until paid, and be collected in the same manner as other assessments imposed by authority of the common council.

Fire department.

Thirty-second. To establish a fire department; to provide for the prevention and extinguishment of fires, and to establish, organize, and regulate fire companies, in the manner elsewhere prescribed in this act.

Powder or other factory or buildings.

Thirty-third. To prohibit and prevent, within certain limits in said city, to be determined by the common council, the location or construction of buildings for storing powder, powder factories, tanneries, distilleries, buildings for the manufacture

of turpentine, camphene, and dangerous or easily inflammable ^{and} or explosive substances, slaughter houses and yards, butchering shops, soap, candle, starch, and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on. And such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed, in said city, whether within or without the limits, to be determined as aforesaid, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra-hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management, as the common council may make, with a view to the protection of any property from injury by fire, or to the health and safety of the inhabitants of said city, and to prevent their becoming in any way nuisances.

Thirty-fourth. To regulate the keeping and conveyance, in said city, of powder and other combustible or dangerous articles, and the use and kind of lights or lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra-hazardous in respect to fire. ^{Safe-guards against fire.}

Thirty-fifth. To prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other building, on such streets, alleys and places, or within such limits in said city as the common council may, from time to time, prescribe; to prohibit and prevent the removing of wooden or frame buildings from any part of said city, to any lot on such streets, alleys and places, or within said limits, and the rebuilding and repairing of the same; to prevent the rebuilding or repairing of wooden buildings on said streets, alleys, and places, or within said limits, when damaged by fire, or otherwise. ^{Wooden buildings; construct'n, removal and re-building, may be prohibited.}

Partition
fences, walls,
chimneys,
etc.

Thirty-sixth. To regulate the construction of partition fences, and of partition and parapet walls, the thickness of walls, and the size of brick; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettels, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof, and fix the fees therefor; to compel and regulate the construction of ash-houses, or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of a fire, all idle or suspicious persons, and to compel all officers of the city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger therefrom.

Officers at
fires.

Bathing.

Thirty-seventh. To prohibit and prevent, or to regulate bathing and swimming in any of the waters in and adjoining said city, determine the times and places thereof, and prohibit and prevent any obscene or indecent exhibition, exposure or conduct thereat.

Houses of
ill-fame.

Thirty-eighth. To prohibit, prevent and suppress the keeping of houses of ill-fame, or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries, and to restrain, suppress and punish the keepers thereof; to punish, restrain and prevent common prostitutes, vagrants, mendicants, street beggars, drunken or disorderly persons; to prohibit, prevent and suppress mock auctions, and every kind of fraudulent [game,] devise or practice, and punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management, use or practice thereof.

Games.

Thirty-ninth. To prohibit, prevent, and suppress the sale of <sup>Unwhole-
some meat.</sup> every kind of unsound, nauseous, and unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions, and impure or spurious wines and spurious liquors, and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale.

Fortieth. To prohibit, restrain, and prevent persons from ^{Gaming.} gaming for money, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever, in any grocery, store, shop, or any other place in said city; to punish the persons keeping the building, instruments, or means for such gaming, and compel the destruction of the same.

Forty-first. To prohibit, prevent, and suppress all ^{Lotteries.} lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof.

Forty-second. To prohibit and prevent persons from selling <sup>Intoxicating
liquors.</sup> intoxicating liquors, or giving away ardent spirits, or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress; to license and regulate the selling or giving away of any ardent spirits, or other intoxicating liquors, by any shop-keeper, trader, grocer, inn, hotel or tavern-keeper, keeper of any ordinary, saloon, recess, victualing or other house, or by any other person, in case the selling or giving away of ardent spirits or other intoxicating liquors, and licensing the sale thereof, shall hereafter be authorized by the laws of the State.

Forty-third. To license and regulate solicitors of passengers <sup>To license
porters and
runners.</sup> or for baggage for the benefit of any hotel, tavern, public house, boat or railroad; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and employed for hire, and to fix and regulate the amount and rates of their compensation.

- Auctioneers, peddlers, etc.** *Forty-fourth.* To license and regulate auctioneers, hawkers, peddlers and pawn-brokers, and regulate auctions, hawking, peddling and pawn-brokerage; to license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever, by hand, hand-cart, show-case, show-stand or otherwise in the public streets.
- Public exhibitions.** *Forty-fifth.* To prohibit and prevent, or license and regulate the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind.
- Hotels, etc.** *Forty-sixth.* To license and regulate the keepers of hotels, taverns and other public houses, groceries, and keepers of ordinaries, saloons, and victualing or other houses or places for furnishing meals, food or drink.
- Butchers, provision dealers, etc.** *Forty-seventh.* To license and regulate butchers; to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths or stands at markets or any other place in said city, for the sale of any kind of meat, fish, poultry, vegetables, food or provisions.
- Billiards and pin alleys.** *Forty-eighth.* To license and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming.
- Bath-houses** *Forty-ninth.* To license and regulate public bath houses or bath rooms on land, and any public floating bath houses, bath rooms or vessels on the Detroit river.
- Police.** *Fiftieth.* To establish and regulate an efficient system of police for the good government of said city; to appoint, on the recommendation of the mayor, or acting mayor, policemen and watchmen, who shall possess and exercise the same powers, as conservators of the peace, which township constables, under the general laws of this State possess, and to prescribe and regulate their further powers and duties, and fix their compensation. Said policemen and watchmen may be removed at any

time by the common council, on the recommendation of the ^{Removal of} mayor or acting mayor. ^{policemen.}

Fifty-first. To appoint one or more inspectors, measurers, ^{Weighers} weighers and gaugers of articles to be measured, inspected, ^{and gaugers.} weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation.

Fifty-second. To direct and regulate the weight and quantity ^{Bread.} of bread, the size of the loaf, and the inspecting thereof.

Fifty-third. To direct and regulate the inspecting and meas- ^{Inspection of} uring of wood, lumber, shingles, timber, posts, stones, heading ^{wood, etc.} and all building materials; the inspecting, measuring and weighing of coke, and all kinds of coal; the inspecting and weighing of hay; the inspecting of vegetables, fresh, dried, smoked, salted, pickled, and other meat or fish, poultry, butter, lard, and other food or provisions to be sold at wholesale or retail; the inspecting and weighing of flour, meal, pork, beef, and all other food or provisions, and salt to be sold in half-barrels, barrels, casks, hogsheads, boxes, or other packages; and the inspecting and gauging of oils, wines, whisky, and other spirituous liquors, to be sold at wholesale or retail, or in kegs, half-barrels, barrels, casks, hogsheads, or other vessels: *Provided,* That nothing herein contained shall be construed to ^{Provide.} authorize the inspecting, measuring, weighing or gauging of any article herein enumerated, which is to be shipped beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same.

Fifty-fourth. To regulate the weights and measures to be ^{Weights and} used in said city, and compel every merchant, retailer, trader ^{measures.} and dealer in merchandise, groceries, provisions or property of any description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of the State.

Fifty-fifth. To provide for the protection and care of pau- ^{Paupers.} pers, and to prohibit and prevent all persons from bringing, in

vessels or in any other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor.

Burial of
paupers, etc.

Fifty-sixth. To provide for the burial of strangers and poor deceased persons; to regulate the burial of the dead and the registrations of births and deaths, and to order and compel the keeping and returning of bills of mortality by physicians, sextons and others.

Registration
of births and
deaths.

Census.

Fifty-seventh. To provide for taking a census of the inhabitants of said city, whenever the common council may see fit, and to direct and regulate the same; to provide for calling meetings of the inhabitants of said city by public notice thereof, fixing the time and place of meeting, and to regulate the ringing of bells.

Public
meetings.

Public
buildings.

Fifty-eighth. To erect and provide for the erection of a city hall and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same.

Alms-house
department.

Fifty-ninth. To establish, organize and maintain an alms-house department, to purchase the necessary grounds, and erect and provide for erecting the necessary buildings therefor, either within or without the city limits.

Jails, work-
houses and
houses of
correction.

Sixtieth. To establish and build jails, work-houses, and houses of correction, for the confinement of offenders; to erect and provide for erecting the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same and of persons confined therein; to prescribe their powers and duties, and provide for their removal from office and the filling of vacancies.

Imprison-
ment.

Sixty-first. To imprison and confine in said jails, work-houses and houses of correction, at hard labor or otherwise, all persons liable to be imprisoned or confined under this act or any ordinance of the common council, or lawfully committed thereto by any court or magistrate, as herein provided. Any court or magistrate in the city of Detroit or the county of Wayne may commit to any work-house or house of correction of said city,

instead of the jail of Wayne county, any person convicted of an ¹⁷¹⁴ offense against the general laws of the State, now or hereafter punishable by imprisonment in the jail of Wayne county. Any court of competent jurisdiction of the State of Michigan may, in its discretion, commit any male under sixteen, or female under fourteen years of age, to any work-house or house of correction of said city, instead of the State prison, who shall be convicted of any crime now or hereafter punishable by imprisonment in the State prison, whenever in the opinion of the court the welfare of the public and of the convict will be promoted thereby. All expenses attending the confinement of any person sentenced to be committed to any work-house or house of correction of said city, for any offense against the general laws of this State, now or hereafter punishable by imprisonment in the State prison, shall be paid by the State Treasurer quarter-yearly, on the certificate of the city controller that such expenses have been incurred. All expenses attending the confinement of any person sentenced to be committed to any work-house or house of correction of said city for any offense against the general laws of the State, now or hereafter not punishable by imprisonment in the State prison, shall be paid quarter-yearly by the treasurer of the county in which the offender was tried and convicted, upon the certificate of the city controller that such expenses have been incurred.

Sixty-second. To prescribe and regulate the speed of cars ^{Speed of} and engines on railroads within the limits of said city. ^{cars.}

Sixty-third. To authorize the mayor to grant, issue and re- ^{Licenses by}voke licenses in all cases where licenses may be granted and ^{mayor.} issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for ^{Limit of} more than one year, and the person receiving the same shall, ^{time for} before the issuing thereof, execute a bond to the corporation in ^{which li-} such sum as the common council may prescribe, with one or ^{cence shall} more sufficient sureties, conditioned for a faithful observance ^{be granted.}

of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The mayor may inquire into the sufficiency of the sureties in such bond by an examination under oath as to their property and responsibility, which oath may be administered by him. The depositions of the sureties shall be reduced to writing, be signed by him, certified by the mayor, annexed to and filed with the bond to which it relates, in the office of the clerk of the city.

Taxes. *Sixty-fourth.* To assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed till paid; to make regulations for assessing, levying and collecting the same, and to sell the property taxed to pay the taxes thereon.

Appropriation of money. *Sixty-fifth.* To appropriate money, provide for the payment of the debt and expenses of the said city, and make regulations concerning the same.

Punishment of offenders. *Sixty-sixth.* To punish all offenders for violations of, or offenses against this act, or any ordinance of the common council enacted under this or any other act of the Legislature, by holding to bail for good behavior, by imposing fines, penalties, forfeitures and costs, and by imprisonment in the jail of Wayne county, any jail, work-house, house of correction, or alms-house of said city, or by either, in the discretion of the court or magistrate before whom conviction may be had. If only a fine, penalty, or forfeiture be imposed, together with the costs, the offender may be sentenced to be imprisoned until the payment thereof, for a term not exceeding six months. All punishments for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished; and no penalty or forfeiture shall exceed one thousand dollars, no fine shall exceed five hundred dollars, and no imprisonment shall exceed the period of two years.

Sixty-seventh. To employ all persons confined for the non-^{Employment of prisoners,} payment of any fine, penalty, forfeiture or costs, or for any offense under this act or any ordinance of the common council, in the jail of Wayne county, or any jail, work-house, house of correction, or alms-house of said city, at work or labor, either within or without the same, or upon the streets of said city, or any public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor.

Sixty-eighth. To provide for printing and publishing all ^{Printing.} matters required to be printed and published under this act, or by order of the common council, in such manner as said common council may prescribe.

Sixty-ninth. To provide for the maintaining the peace, order, ^{Public peace} and good government of the city of Detroit. The common ^{Wards.} council shall have power to subdivide the city of Detroit into wards.

Seventieth. The common council shall have power to pur-^{Purchase of real estate.} chase and sell real estate for the use of said corporation, for corporate purposes, and to execute mortgages on the same for any balance which may remain unpaid on the purchase money paid for such real estate. They shall also have power to purchase and control land for cemetery purposes, either within or without the corporation limits of said city.

Sec. 7. That chapter seven of said act be and the same is ^{Chapter amended.} hereby amended so as to read as follows:

Sec. 1. The common council of the city of Detroit shall have ^{Power of council to lay out highways, etc.} full power, by resolution or ordinance, to lay out, establish, open, extend, widen, straighten, alter, close, vacate or abolish any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor; but the necessity for using such property, and the just

Jury to
determine
necessity.

compensation to be made therefor, shall be determined by a jury of twelve freeholders residing in said city.

Jury; how
chosen.

Sec. 2. Whenever it shall be necessary to have a jury of freeholders for the purposes mentioned in the preceding section, the common council shall, by resolution, direct the city attorney to apply to the recorder's court of said city for the drawing and impaneling of the same, and to give notice of the same, and to give notice thereof in the manner following:

Notice of im-
provement;
how given.

Said city attorney shall cause a notice to be published once a week for four successive weeks, in the official daily newspaper of the city, and in one other daily newspaper published in said city, stating that the common council have determined to make

Contents of.

such improvement, describing it by metes and bounds, courses and distances, and to take therefor such private property within said limits as may be necessary, and that on a certain day therein to be mentioned, and not less than ten days after the date of the last of said publications, he will apply to the recorder's court of said city, to have a jury of twelve freeholders drawn and impaneled to determine the necessity for using said property, and the just compensation to be paid therefor. And in case of opening, widening, straightening or altering an alley or alleys, said notice shall also contain the further statement that said jury will also apportion and assess the compensation to be paid to the several owners, or persons entitled to receive the same, to and upon all lots, premises or subdivisions thereof, within the block in which the alley in question is situated, and which will be benefited by the proposed improvement. And the said city attorney shall also cause a copy of said notice to be served at least ten days before the day fixed for drawing said jury, by a member of the metropolitan police, (whose duty it is hereby made to serve the same,) upon each of the owners and occupants of said property intended to be taken, so far as they can with reasonable diligence be ascertained and found within said city, and when they cannot be so found and ascertained, said officer shall post

Notice to be
served on
owner.

said notice in some conspicuous place on the premises: *Pro- Provide.*
vided, That no want of service upon said owners or occupants shall stay the proceedings in said matter, or affect the jurisdiction of said court, but said court shall have power at any time before the termination of said proceedings, upon its being made to appear to its satisfaction that injustice has been done to any owner of private property, or other person interested therein, by reason of want of such notice, to give such owner or person interested an opportunity to be heard, and to take such other steps as may be necessary to protect his interests. And after the publication and service of posting as When own'rs to be bound by proceedings.
 aforesaid, the owners of any private property intended to be taken for said improvement, and all persons interested therein, shall take notice of and be bound by all subsequent proceedings, without any further notice except as herein otherwise provided.

Sec. 3. The city attorney shall, within five days after the first publication of said notice, file a copy thereof and of the resolution of the common council mentioned in the preceding second section, duly certified by the city clerk, with the clerk of the recorder's court, who shall thereupon, and at least three weeks previous to the day fixed for the drawing of said jury, issue a writ of summons directed to any member of the metropolitan police, commanding him to summon twenty-four disinterested freeholders of said city, who are qualified to sit as petit jurors in said court, and who have not served on a freeholder's jury since the thirty-first day of December next preceding, to appear before said court on the day mentioned in said notice to serve as jurors, and shall deliver the same to a member of the metropolitan police. Said summons shall be served at least seven days before the return day thereof, and return shall be made in the same manner as in the case of a summons for petit jurors of said court; and the persons thus summoned shall be bound to attend said court, and serve until discharged, and said court shall impose upon them a fine of not less than five dollars for each day's non-attendance in court

Filing of notice with clerk of recorder's court.
 Summons to jurors.
 When shall be served.

or neglect to serve; but they may be exempted and excused by the court from serving, for the same reasons for which petit jurors may be exempted or excused.

Impaneling jury.

Sec. 4. Upon the day designated in said notice, or upon some other day to be appointed by the court, and on filing an affidavit showing the required publication of said notice, and also an affidavit of a member of the metropolitan police, stating that he has caused a copy of said notice to be duly and personally served upon each of the owners and occupants of the property proposed to be taken, so far as they could with reasonable diligence be ascertained and found, and that where they could not be so found or ascertained, he has caused said notice to be posted up in some conspicuous place on said premises, said court shall proceed to impanel a jury from the persons so summoned as aforesaid, in the same manner as a petit jury is impaneled in said court; and if there shall not be a sufficient number of jurors to complete said panel, either because some of the persons so summoned are not qualified to sit as such, or because they are exempted or excused, or have failed to answer said summons, the panel may be filled up in the same manner that a panel of petit jurors is filled up in like cases in said court. The right of challenge shall be allowed as in civil cases under the laws of this State.

How panel filed.

Right of challenge.

Jury sworn.

Instruction to.

Sec. 5. The jury so impaneled shall be sworn to discharge their duties faithfully, and according to the best of their abilities. Said court shall then instruct said jury as to their duties and the law applicable to the case, and deliver to them a copy of said notice, and the city attorney shall give said jury legal advice and counsel concerning their duties, whenever requested.

To visit intended improvement.

Sec. 6. The jury shall go to the place of the intended improvement, and upon or as near as practicable to any property intended to be taken and described in said notice, and shall ascertain the necessity for using the property intended to be taken for such improvement; and if they shall find in the affirmative, they shall next determine and award to the owner or owners of said property, such damages and compensation as

Awarding damages.

they shall deem just; and in determining the amount of said damages, where only a part of a lot or lots of land is taken, the jury shall take into consideration the amount of benefits or enhanced value, if any, which the portion not taken will receive from the intended improvement; but it shall not be necessary for them to state in their report, the damages and benefits separately, but only the net amount of damages. If such property shall be subject to a valid mortgage, lease or agreement, or to either, and such facts shall be made to appear to the jury, then said jury shall apportion and award to the owners of such property, the parties in interest to such mortgage, lease or agreement, or to either of them, such portions of the damages and compensation as they shall deem just. And in all cases where any such damage shall be awarded, except for the laying out, establishing, opening, widening or altering an alley or alleys, such damage shall be payable out of the city treasury, and the means therefor shall be raised from time to time, as may be necessary, with the general city taxes.

When property is subject to mortgage.

Damages; how paid.

Sec. 7. In cases of the laying out, establishing, opening, widening or altering an alley or alleys, said jury shall further proceed to assess the total damages and compensation to be paid for the proposed improvement upon the lots of land, premises or subdivisions thereof, within the block in which the alley in question is situated, and which will be benefited by the proposed improvement in proportion to the amount of benefit they will severally receive; and in all such alley cases where the jury agree upon a verdict, the jury fees, the costs of advertising, and all the expenses attending the proceedings, except the damages and compensation as above provided, shall be assessed by the recorder's court upon the several lots of land, premises or subdivisions as aforesaid, and in proportion, as near as may be, to the benefits received by said improvement according to said report. The benefits and costs and expenses assessed under this section shall, when collected, be paid into the city treasury and by the treasurer placed to the credit of the contingent

Assessment of damages and compensation.

Same to be paid into city treasury

fund, and all damages awarded by the jury, and the costs and expenses as aforesaid, shall be paid out of said fund.

Removal of
buildings.

Sec. 8. Whenever there shall be any building or buildings standing in whole or in part upon any street or alley as proposed to be opened, the jury shall estimate the cost of the removal of said building or buildings from the line of said street or alley, provided said buildings can be removed and located on the same lot or premises upon which they are situated, and which is owned or occupied by the person or persons to whom the compensation is to be paid therefor. In all such cases the jury shall award damages for the removal of said building or buildings. But in cases where said building cannot be removed in manner as aforesaid, the jury shall estimate and award as damages, the cost of taking down that portion of the building upon the line of the street or alley, deducting therefrom the value of the material so taken down, and shall also estimate and award the damage to that portion of the building remaining, aside from the damage to the land: *Provided*, That if the owner, or the persons having the right thereto, shall appear before the jury, and agree to remove said building or buildings off the line of said street or alley, the jury may award damages for the removal thereof, instead of damages for tearing down said building or buildings as above provided.

Award of
damages
therefor.

Provide.

When cost of
removal to
be lien on
the lot.

The person to whom damages are awarded under this section shall remove or take down, as the case may be, the building or buildings on the line of the street or alley as intended to be opened, within twenty days after the common council shall by resolution so direct; and in case of a refusal or neglect to comply with said resolution, the common council may cause said building or buildings to be removed or taken down, as the case may be, and the expenses thereof, and all costs and charges incident thereto, shall be a lien upon the lot or premises upon which the buildings are situated. And the common council shall, within thirty days after the expiration of the twenty days, as aforesaid, advertise and sell said lot or premises, to pay the costs and expenses as aforesaid. The proceeds of said

Sale of lot.

sale, over and above the costs and expenses attending the removal, or taking down of said property as aforesaid, together with the costs and expenses of advertising and selling said lot or premises, shall be deposited in the office of the city treasurer, to the credit of the person or persons to whom the said award was made, and shall be paid to such person or persons on demand.

Sec. 9. Said jury after completing the aforesaid duties, shall then make in writing, and each shall sign the report to said court, of their doings, enclose the same in a sealed envelope, and file it in the office of the clerk of said court within thirty days after they were sworn.

Proceeds;
how dis-
posed of.

Report of
jury.

Sec. 10. In cases where said jury shall find that it is necessary to take private property for said improvement, they shall state in their report the just damages and compensation ascertained and awarded by them to the owner of any private property, or to any person claiming an interest therein by virtue of any valid mortgage, lease or agreement to which such property may be subject, together with the names of such owner or claimant, if known, and a description of the property intended to be taken. In case any damages and compensation be awarded to any person claiming an interest in such property by virtue of a valid mortgage, lease or agreement, to which such property may be subject, it shall be sufficient to state further in such case, the name of such claimant, the date of such mortgage, lease or agreement, or assignment thereof, by virtue of which such claimant has an interest in the property intended to be taken.

Contents of.

Sec. 11. Whenever a jury shall find in favor of taking and receiving any property belonging to the estate of any deceased person, or that such estate will be damaged by the intended improvement, the just damages and compensation determined upon by them shall be awarded to the estate of such deceased person, and the amount thereof shall be paid or tendered to any executor or administrator of such estate; if there be no

To whom
damage on
estate of
deceased
persons
tendered.

executor or administrator, or if he cannot be found, or refuse to accept the same, the amount shall be deposited in the city treasury, to the credit of such estate, and shall on demand, be paid to such executor or administrator, or other person entitled to receive the same.

Report of
jury.

Sec. 12. Said jury shall also, in the case provided by section six, state in their report what portions in amount of the total ascertained damages and compensation they have apportioned to and assessed upon any lot, premises or subdivision thereof, which will be benefited by the intended improvement, together with the names of the owners thereof, if known, and a description of the same, and also what portion, if any, of the ascertained damages and compensation they have apportioned and assessed to the city of Detroit in the case above provided for.

Confirmation
of report.

Sec. 13. Said report may be confirmed by said court at any term thereof, and the court shall appoint some day when it will consider said report, and objections against the confirmation thereof on the part of all persons interested therein, whereof, the city attorney shall give notice by publishing the same in the official daily newspaper of said city, and one other daily newspaper published in said city, for six successive days; and he shall file in said court an affidavit of such publication before the time appointed for considering said report. Said objections shall be filed with the clerk in writing, and a copy thereof, with all affidavits or papers relating thereto, shall be served upon the city attorney at least two days before the day appointed for hearing said objections. Said objections may be argued, and the consideration of said report and objections may be adjourned from time to time until said report be confirmed or otherwise disposed of, as herein provided.

Objections;
nature of.

Sec. 14. Said report shall not be annulled for objections as to matters of form; all objections shall be objections of law, and to matters of substance; but the damages and compensation to be paid to any person, or the portions thereof apportioned to and assessed upon any lot of land, premises or subdivisions

thereof, may be inquired into, if objected to as being excessively large or small.

Sec. 15. If no objections be filed, said report shall be confirmed; but if objections be filed, said court, after considering the same, shall in its discretion confirm or annul said report, or may refer it back to the same jury for the purpose of reviewing all matters and correcting all errors therein contained, and making any alteration thereof which said court may direct, or said jury may deem just or necessary, and thereon said jury shall review, correct or alter said report in manner aforesaid, and shall return and file the same with the clerk of said court, within five days after said report was referred back to them as aforesaid, and thereupon said court shall confirm or annul said report.

Power of court to confirm or refer facts to jury.

Sec. 16. If said report be annulled, or the jury cannot agree, or from death, sickness or any other cause, shall fail to make a report within the thirty days required above, the court may, on the application of the city attorney, designate some day in term when another jury may be had, and such jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn, have the same power and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and in said court, as provided for above, after the first jury is sworn.

When report is annulled, etc.

Sec. 17. If any juror, after being sworn, shall die, or from sickness, or from any other cause be unable to discharge his duties, the court may appoint another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

When juror is unable to serve.

Sec. 18. Any person to whom damages and compensation may be awarded for any of his property on account of the intended improvement, or to and upon whose property any portion of such damages and compensation may be apportioned and assessed, considering himself aggrieved, may appeal from the judgment of the recorder's court, confirming the report of

Appeal from recorder's court.

the jury, to the supreme court, by filing in writing, with the clerk of said recorder's court, a notice of such appeal, and specifications of the errors complained of, within five days after the confirmation, and serving within the same time a copy of said notice and specification of errors, on the city attorney, and filing a bond in said recorder's court, to be approved by the recorder, conditioned for the prosecution of said appeal, and the payment of all costs that may be awarded against the appellant in case the judgment of confirmation of the recorder's court be affirmed.

Duty of clerk
of court in
appeal.

Sec. 19. In case of appeal as above, it shall be the duty of the clerk of said recorder's court forthwith, or as soon as practicable, to transmit to the supreme court a certified copy of all the proceedings in the case which may be filed in the office of any clerk of said court.

Power of
supreme
court on
appeal being
made.

Sec. 20. The supreme court, at any term thereof, shall, with the least practicable delay, hear and try the matter of said appeal, and may affirm or reverse the judgment of the recorder's court confirming the report of the jury, but the same shall not be reversed for matter of form, nor for any error, except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of said appeal, and proceedings thereon, to be taxed; and all costs and expenses awarded to the city of Detroit, in case of affirmation, shall be applied on and deducted from the damages and compensation, if any, to be paid to the appellant or appellants.

Reversal.

Sec. 21. If there be a reversal for any errors, which it is practicable for the recorder's court or said jury to correct, with due regard to the public interest and rights of individuals, the proceeding shall be remanded to said recorder's court, with direction that such error be corrected. Said recorder's court, at any term thereof, or (as the case may be) said jury, under the direction of said court, shall correct such error, and thereupon the report of the jury shall be confirmed by said recorder's court, without any further right of appeal.

Sec. 22. In every case of annulment of the report of the jury by the recorder's court, or reversal by the supreme court, the common council, in behalf of said city, may by resolution elect to pay the damages and compensation claimed by, or the assessment made upon the property of the objector, appellant or appellants. On filing a certified copy of said resolution in the recorder's court, within twenty days after the annulment or reversal, the report of said jury shall be reviewed and confirmed by said recorder's court as to all persons interested therein, except the objector, appellant or appellants, and without further right of appeal. If the common council do not elect, as above provided, all the proceedings shall be null and void, and no further proceedings shall be had, except in a case of reversal, when the proceedings may have been remanded to the recorder's court for the correction of certain errors, in which case such errors shall be corrected and the report of the jury confirmed, as above provided.

Sec. 23. If the report of the jury be confirmed by the recorder's court in any case above provided for, or if the judgment of confirmation be affirmed on appeal to the supreme court, such confirmation shall be final and conclusive as to all persons interested therein, and the damages and compensation apportioned to, and assessed upon any lot of land, premises or subdivisions thereof, according to said report as confirmed, shall be a lien thereon, from the time of the aforesaid confirmation, until they are paid and satisfied.

Sec. 24. When the report of the jury shall have been thus finally confirmed, or the judgment of confirmation affirmed by the supreme court, the clerk of the recorder's court shall prepare a certified copy, under the seal of the court, of the report of the jury as confirmed by the recorder's court, and the order of the court confirming the same, and the clerk shall file said certified copy in the office of the clerk of the city; such certified copy, or a like copy made and certified by the clerk of the recorder's court shall, in all courts and places, be presumptive evidence of the matters therein contained, and of the regularity

of all proceedings from the commencement thereof to the order of the court confirming the report of the jury.

When notice
to be served.

Contents of
notice.

Advertise-
ment and
sale of prop-
erty.

Sec. 25. Upon the confirmation of the report of the jury in the recorder's court, in case no appeal is taken, or upon the affirmation of the report in the supreme court, the city attorney shall cause to be served by the sergeant of the police, or one of his assistants, whose duty it is hereby made to serve the same upon the persons whose property is assessed in said report, a notice directing said persons to pay into the office of the city treasurer the amounts assessed, within sixty days from the date of the service of said notice, and shall at the same time furnish the city treasurer with a list of the persons assessed, and the amount of the assessments. The notice shall specify that in case of a failure to comply with the conditions therein stated, at the expiration of the sixty days the property so assessed as aforesaid, will be advertised and sold by the receiver of taxes, to pay the assessments. Upon the expiration of the sixty days as aforesaid the city treasurer shall immediately transfer to the receiver of taxes, the names of all persons whose property is assessed, who have failed to comply with the notice, together with the amounts of the unpaid assessments, whereupon the receiver of taxes shall immediately advertise and sell the property assessed, in such manner as the common council may direct, to pay the assessments and the costs and expenses attending the same. In case the persons whose property is assessed as aforesaid, cannot be found within the city, the notice shall be left at their place of residence in said city, with some person of proper age. If they or their place of residence cannot be found, and the property be occupied, the notice shall be served by delivering the same to the occupant or occupants, or by leaving the same at their place of residence in said city, with some person of proper age; but if the persons whose property is so assessed as aforesaid, or their place of residence cannot be found, and the property be not occupied, and they, their place of residence, and that of the occupant or occupants cannot be found, or if the owner or owners, occupant or occu-

pants be unknown or non-residents of said city, then in either of such cases notice may be served by posting the same in some conspicuous place upon the property assessed for said improvement. The said sergeant of police by himself or one of his assistants, shall make due return of his doings to the city treasurer, with the date of the service of said notice.

Sec. 26. Within ninety days after the confirmation of the report of the jury, or after the judgment of confirmation shall, ^{Tender of damages and compensation} on appeal, be affirmed, the common council shall pay, or tender to the respective persons the several amounts of damages and compensation awarded to them, according to the report of the jury as confirmed or elected as above provided for, to be paid by the common council; and in case any such person shall refuse the same, be unknown, or a non-resident of said city, or cannot with reasonable diligence be found in said city, or for any reason be incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case, or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person competent and entitled to receive it.

Sec. 27. Upon such payment, tender or deposit in the city treasury, the same shall become a public highway, and the ^{Possession by city of property.} common council may enter upon, take possession of, and convert the same to the uses and purposes for which it has been taken. A certificate of the city treasurer, of such tender, payment or deposit shall, in all courts and places be presumptive evidence of the facts therein stated, of the vesting of the fee of the property taken in the city of Detroit, and of the right of the common council to take possession of, and convert the same to the uses for which in has been taken.

Sec. 28. In all cases where any real estate, subject to any ^{Covenants, etc., on real estate taken, to cease.} lease or agreement shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine and be discharged upon the final confirmation of the report of the

jury, or upon the affirmation by the supreme court of the judgment of confirmation. If a part only of such real estate be taken, said covenants and stipulations shall cease, determine, and be discharged only as to such part; and the recorder's court, on application of any party in interest to such lease or agreement, and after a notice thereof of eight days, in writing, to the other parties in interest, may appoint three disinterested residents and freeholders of said city, commissioners to determine the rents and payments to be thereafter paid, and the covenants, stipulations or conditions thereafter to be performed under such lease or agreement, in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties, take and subscribe an oath to be administered by the court, faithfully to discharge their duties, which oath shall be filed in said court. Said three commissioners shall make and sign a report in writing, of their doings, to said court, which shall be filed therein within thirty days after their appointment, and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement.

Commissioners
appointed
when part
only is taken

Oath of com-
missioners.

Report of

Compensat'n
of jury.

Board of
commis'srs
upon plan of
city, to be
appointed.

Terms of
office.

Sec. 29. The common council shall pay said jury such compensation for their services as they may deem just, and they shall have power to abandon or discontinue proceedings under this chapter in said recorder's court, at any time before the final confirmation of the report of the jury.

Sec. 30. For the purpose of introducing a greater uniformity in the laying out the land in said city into public streets and blocks, and to restrain persons from laying out such streets and blocks in a manner prejudicial to the interests of the city, there shall be constituted a board of commissioners, upon the plan of the city, consisting of three persons, to be appointed by the common council, on the nomination of the mayor, and to serve without compensation, who shall hold their office for the term of three years, except the first board, who shall hold their office for one, two and three years respectively, as determined by lot in the manner provided for sewer commissioners;

and after the first year there shall be appointed as aforesaid, one in each year, for the term of three years; and no land within the limits of said city shall be laid out into blocks and public streets, without the consent and approval of a majority of said commissioners, in writing, entered upon a plan of said land so laid out, which plan, duly acknowledged, and with said approval in writing therein endorsed, shall be recorded in the register's office for the county of Wayne: *Pro-Provido.* Approval of commissioners necessary to lay out land.
vided however, In cases where a parcel of land lies between parcels of land duly laid out by plat, now on record, whose streets do not correspond in direction or size, the power of control shall not be exercised over the platting of such intermediate parcel, in order to produce such correspondence, as to essentially diminish their value.

Sec. 31. The city clerk shall act as the clerk of said board, and plans for the approval of said commissioners may be deposited with said clerk for their action thereon, and if approved, a copy thereof shall be filed with said clerk, by the person making or laying out the same. City clerk to be clerk of board.

Sec. 32. Any plans for laying out into public streets and blocks, now existing in said city, and not acknowledged and recorded according to law, shall be of no validity until they receive the approval of said commissioners, as herein provided; but the platting and recording of any blocks, lots, squares, lanes, alleys, parks or public places within said city, shall be a full and irrevocable dedication of the same to the public, for the uses and purposes specified or named upon any such record, plat or plan; any such plats or plans now of record, shall be, and be evidence of dedication as herein before provided. Unrecorded plans for laying out city to be approved by board.

Sec. 33. If a vacancy occurs in the office of said commissioners, or either of them, it may be filled by the common council on the nomination of the mayor. Vacancy; how filled.

Sec. 34. The city assessor may, for the purposes of assessment, number or letter such lots or parcels of land, or such subdivisions of lots as have been or may be made, which are unnum- Numbering of lots, etc.

Proviso. bered or unlettered: [*Provided,*] That said assessor shall place on record, in the office of the register of deeds for the county of Wayne, State of Michigan, a plat, containing a description of such lots or subdivisions of lots so numbered or lettered by him, sufficient to identify, designate and locate said lots or subdivisions, and he is hereby empowered to assess the expense for so numbering, lettering and recording as aforesaid, upon the property thereof.

Section amended. Sec. 8. That sections four, eight, and fourteen, of chapter eight of said act, be and the same is hereby amended so as to read as follows:

Power of council to levy tax for sewers. Sec. 4. The common council shall also have power annually, to levy, assess and collect taxes not exceeding eighty-five thousand dollars on the assessed value of all the real and personal estate in said city made taxable by the laws of this State, in order to defray the expenses of constructing sewers, and for the purpose for which the sewer fund is constituted as above.

Credit to street paving fund. Sec. 8. The proceeds of each special assessment levied for the grading or paving of any street or alley shall become a part of the street paving fund, and be credited therein to the account of the specific improvement for which the assessment was made: *Provided,* That the common council shall not in

Proviso. any one year enter into contracts for the grading and paving of streets, alleys and public places, the cost of which will exceed in the aggregate one hundred and fifty thousand dollars, except upon the petition of the holders of the larger portion of the real estate directly abutting upon the portions of the street or alley proposed to be improved. All such contracts shall require the work under the same to be commenced and completed within the six months next preceding the first day of December in the year of the making of such contract; but the common council may extend the time for the completion of any such contract, where the work under the same has been begun in good faith, but not fully completed within the time.

Sec. 14. The common council shall not have authority to borrow, except as herein specially provided, any sums of money Power of council to borrow money. whatever, on the credit of the corporation, but may authorize the controller to borrow from time to time, on such credit, such sums as may be necessary to meet the expenditures under the appropriations for the current fiscal year: *Provided*, The Proviso. gross amounts so borrowed shall not at any time exceed the sum of ten thousand dollars.

Sec. 9. That chapter eight of said act be and is hereby Chapter amended. amended by adding thereto eight new sections, to stand as sections thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three and forty-four, and to read as follows:

Sec. 37. The common council, in addition to the powers Council may borrow money. heretofore granted, shall have power to borrow, upon the faith and credit of the city, the following sums, to-wit: 1. For the Public building fund. public building fund a sum not exceeding four hundred thousand dollars. For the sums so borrowed the council may issue To issue bonds. the bonds of the city, and may sell and negotiate the same upon the terms and as prescribed in respect to other bonds in section nine of said chapter; a record of said bonds shall be kept by the controller, as is provided in said section nine. No such bonds shall be issued until after their issue is approved by a citizens' meeting called and voting upon the same, in the manner provided for in reference to other bonds by section ten of said chapter. The proceeds of all bonds negotiated and authorized to be issued as aforesaid shall be credited to the public building fund.

Sec. 38. Whenever the common council shall order any Contract for grading or paving. street, or any portion thereof, to be graded, or graded and paved, it may enter into contract for the making of such improvement, according to the provisions of this charter; and Assessment of cost. after the cost and expense thereof has been ascertained, it shall cause the same, except the cost of cross-walks and of the work at the intersection of cross-streets, to be assessed upon the lots and real estate herein made subject to such assessment as hereinafter provided.

Subdivision
of districts.

Sec. 39. For the purpose of such assessment, the lots and parcels of real estate situated on said street, and fronting the portion thereof ordered to be improved, shall constitute one local assessment district, unless the common council, with a view to make the assessment more equal and just, shall subdivide the same into two or more assessment districts. Such subdivision, if made, must be done before asking bids for the work; and in no case shall a city block be divided in making such division. The work for each local assessment district shall be bid for and let separately, and such bidding and letting shall show:

Bids for
work.

Contents of
bids.

1st. The cost of all the paving and grading, except that of the intersection of the cross-streets and alleys, and the cost of the cross-walks at such intersections.

2d. The cost of the grading and paving of each portion of the street included within the lines of intersection of any cross-street and alleys.

Proviso.

3d. The cost of the cross-walks at such intersections: *Provided*, That in cases where a side street merely opens upon, and does not extend across the street to be paved, the space formed by extending the lines of the former street to the middle of the latter street, shall, for the purposes of this act, be treated as the spaces formed by the intersection of cross-streets. All necessary platforms and curbings shall, for the purposes of such assessment, be deemed to be included within the term paving.

Costs; how
assessed.

Sec. 40. The cost and expense of such improvement, except so much thereof as shall be for the work within the lines of intersection of cross-streets and alleys, and for the cross-walks at such intersections, shall be assessed ratably, according to their extent of front, on the lots, part of lots, or parcels of real estate directly fronting on and within the local assessment district: *Provided*, That if the assessment made on any such lot or other parcel of land shall, by reason of its triangular or other irregular shape, seem to the common council to be inequitable, said council may direct a just portion of such

Proviso.

assessment to be paid from the general road fund. The cost of the work within the lines of the intersection of cross-streets, and also the costs of the cross-walks, shall be paid out of the general road fund. The word "front," as used in this act, shall be construed to mean that part of the lot or other parcel of land which directly abuts on that part of the street to be improved.

Sec. 41. Whenever, in the improvement of a street as aforesaid, any land or real estate which has not been duly platted into city blocks or lots, shall be required to be assessed to pay any part of the cost of such improvement, the council shall designate such part or parts thereof for such assessments as shall correspond as near as practicable to the portions of the block or blocks nearest adjacent thereto, subject to like assessment, and the part or parts so designated shall be assessed, as near as may be, in the manner herein provided for the assessment of lots.

How non-platted property to be assessed.

Sec. 42. The city assessor shall, when necessary, proceed to make out a list of all the lots or parcels of real estate, constituting a local assessment district as aforesaid, with the name of the owner or occupant of each lot or parcel of real estate, so far as he can ascertain the same, and also the length of front of each lot or parcel of real estate fronting directly on such improvement. Such assessor shall then assess the cost and expenses of the work chargeable as aforesaid upon the property in said list, ratably upon the several lots and parcels of real estate, according to the length of front thereof. When the assessment roll is thus completed, the assessor shall give notice, by at least five publications in the city paper, that such roll is completed, and will remain in his office for twelve days, from the first publication of said notice, for the inspection of all concerned. At the expiration of said twelve days, the assessor shall, after any needful revision and correction of such roll, sign the same and report it to the common council. Said council may then confirm the same, or may, when it shall deem necessary, refer the same back to said assessor for further revision

Assessor to make list.

To assess cost and expenses.

To publish notice of completion of roll.

To report roll to council.

Confirmat'n
of same.

or corrections. And when the same shall be corrected to the satisfaction of said council, it shall, by resolution, confirm the same. After such confirmation, such assessment shall constitute a lien, until paid, upon said lots or parcels of real estate, and shall be collected in such manner as may be authorized by law.

Apportion-
ment of cost
by council.

Sec. 43. When unperformed contracts for grading and paving, hitherto made, are still in force, it shall be lawful for the common council, with the consent of the contractors, to ascertain and apportion the proper cost under the contract, of grading and paving the spaces at intersecting cross-streets and alleys, and also the cost of the cross-walks, and to pay for the same out of the general road fund, and to cause the residue of the cost of the work to be assessed upon the adjacent property, and collected in the manner heretofore provided in this act.

New pave-
ments.

Sec. 44. Whenever it shall be necessary to take up entirely and lay anew the pavement of any portion of any street previously paved, it shall be the duty of the common council to direct the cost thereof and the cost of ordinary repairs to paved streets to be paid out of the general road fund.

Section
amended.

Sec. 10. That section fifteen of chapter nine be so amended as to read as follows:

Sale of real
estate for
taxes.

Sec. 15. If the owner or occupant of, or parties in interest in such real estate, do not pay such assessment or tax, with costs and charges, within the period above prescribed for the publication of said notice, then the said common council shall have power, without any further notice, to cause such real estate to be sold at public auction for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs and charges, and to direct the execution of a proper certificate of such sale to the purchaser thereof; and if such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the controller shall, in the name of, and for the city of Detroit, execute and deliver to such purchaser, or his as-

Deed to
purchaser.

signee, a proper deed for the conveyance of such real estate for the term for which the same was sold, which deed shall in all courts be *prima facie* evidence of the regularity of all the proceedings under which the sale was made, and said deed was executed, up to the date of such deed. And any person who shall, under such deed, enter into such real estate and erect or place any building or building material thereon, shall have the right at any time within three months after the expiration of said term, or in case he shall be ousted before the expiration of such term by any person claiming adversely to said deed, then within three months after trial, judgment of ouster or ejectment, to remove such building or building material from said real estate. And in all sales of land for taxes as aforesaid, if the purchaser or his assigns shall die before a deed or other conveyance shall be executed on such sale, the deed may be executed by the controller, to and in the name of the deceased person, if such deceased person being still alive would be entitled to a deed or conveyance, which deed or conveyance shall vest the title in the heirs or devisees of such deceased person in the same maner, and liable to like claims of creditors and other persons, as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed or conveyance may issue to the assignee thereof; and in like cases which have heretofore occurred, the same rule shall apply; and all deeds or conveyances heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof would have been entitled thereto, shall have like effect as above provided.

Removal of buildings when purchaser is ousted.

To whom deed to issue when purchaser dies

Sec. 11. That chapter nine of said act be and is hereby amended by adding thereto a new section, to stand as section twenty-four, and read as follows:

Chapter amended.

Sec. 24. All taxes upon personal property may be assessed in any ward of said city, whether the person assessed be a resident of such ward or not: *Provided*, Only the property so assessed shall be in said ward; and the officer to whom any

Personal property; assessment of.

warrant for the collection of the same, or any tax or assessment on real estate is delivered, may execute the same by a levy and sale of any personal property, in any ward of said city, belonging to the person or persons chargeable with such tax or assessment.

Sec. 12. This act shall take effect immediately.

Approved April 5, 1869.

NOTE.—The words and sentences enclosed in brackets in the foregoing laws were in the engrossed copies, as passed by the Legislature, but not in the enrolled copies.

CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, } ss.
Secretary's Office.

I, OLIVER L. SPAULDING, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State for the present year, was April fifth, one thousand eight hundred and sixty-nine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan,
[L. S.] at Lansing, this thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-nine.

OLIVER L. SPAULDING,
Secretary of State.

NOTE.—The words and sentences enclosed in brackets in the foregoing laws, were in the engrossed copies, as passed by the Legislature, but not in the enrolled copies.

and after the first year there shall be appointed as aforesaid, one in each year, for the term of three years; and no land within the limits of said city shall be laid out into blocks and public streets, without the consent and approval of a majority of said commissioners, in writing, entered upon a plan of said land so laid out, which plan, duly acknowledged, and with said approval in writing therein endorsed, shall be recorded in the register's office for the county of Wayne: *Provided however,* In cases where a parcel of land lies between parcels of land duly laid out by plat, now on record, whose streets do not correspond in direction or size, the power of control shall not be exercised over the platting of such intermediate parcel, in order to produce such correspondence, as to essentially diminish their value.

Approval of
commissioners
necessary to
lay out land.

Proviso.

Sec. 31. The city clerk shall act as the clerk of said board, and plans for the approval of said commissioners may be deposited with said clerk for their action thereon, and if approved, a copy thereof shall be filed with said clerk, by the person making or laying out the same.

City clerk
to be clerk
of board.

Sec. 32. Any plans for laying out into public streets and blocks, now existing in said city, and not acknowledged and recorded according to law, shall be of no validity until they receive the approval of said commissioners, as herein provided; but the platting and recording of any blocks, lots, squares, lanes, alleys, parks or public places within said city, shall be a full and irrevocable dedication of the same to the public, for the uses and purposes specified or named upon any such record, plat or plan; any such plat or plans now of record, shall be, and be evidence of dedication as herein before provided.

Unrecorded
plans for lay-
ing out city
to be ap-
proved by
board.

Sec. 33. If a vacancy occurs in the office of said commissioners, or either of them, it may be filled by the common council on the nomination of the mayor.

Vacancy;
how filled.

Sec. 34. The city assessor may, for the purposes of assessment, number or letter such lots or parcels of land, or such subdivisions of lots as have been or may be made, which are unnum-

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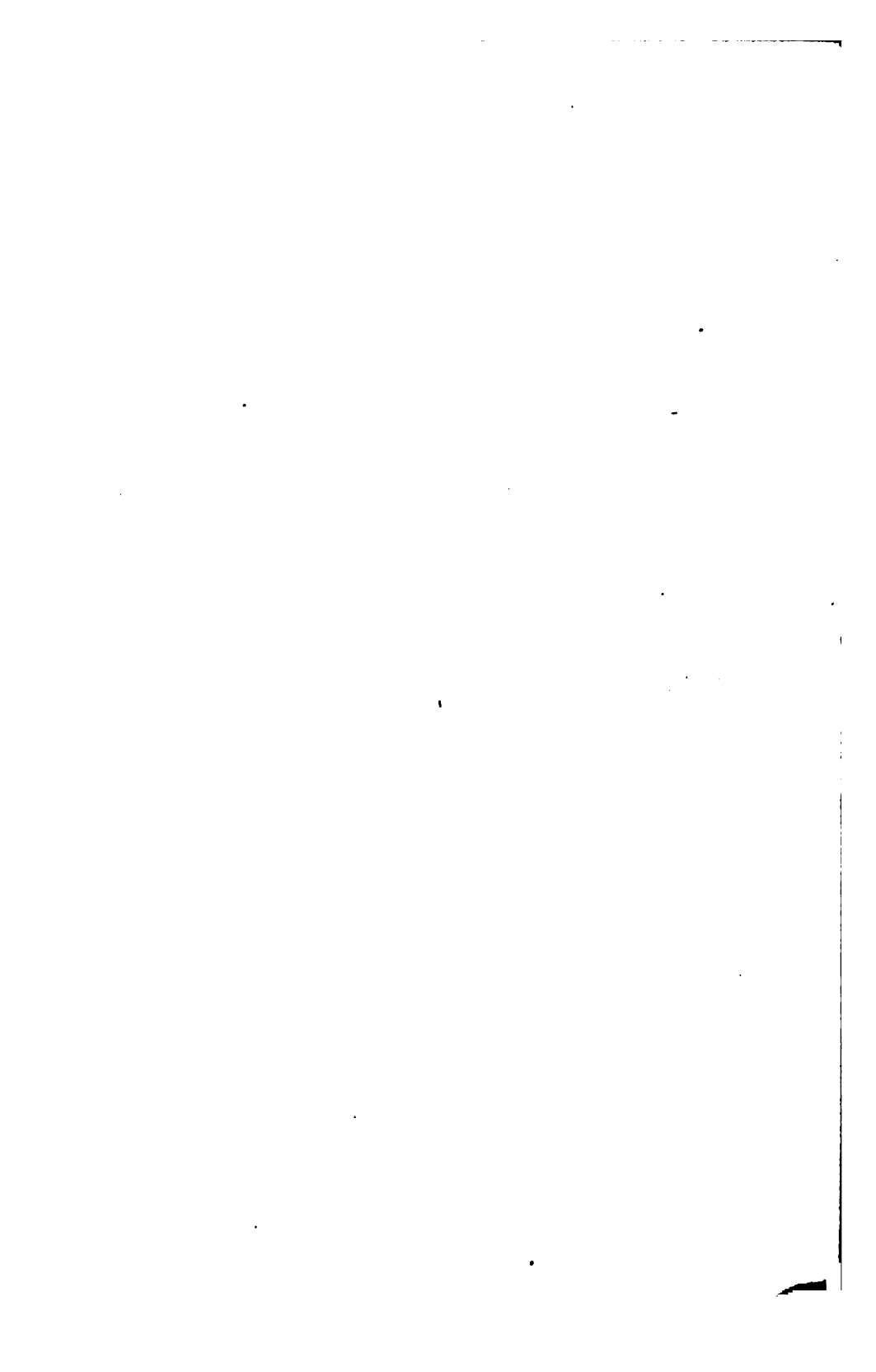
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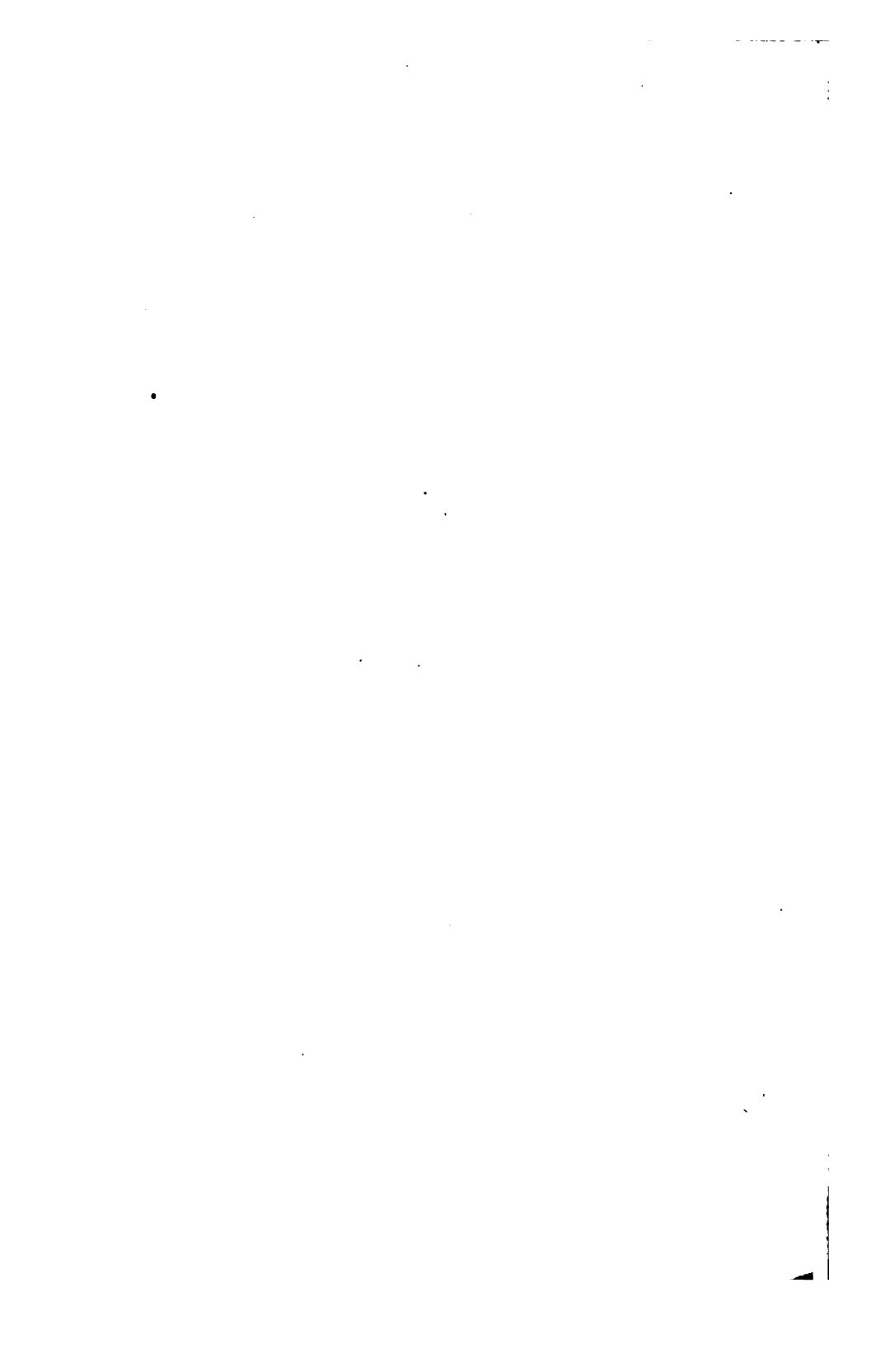
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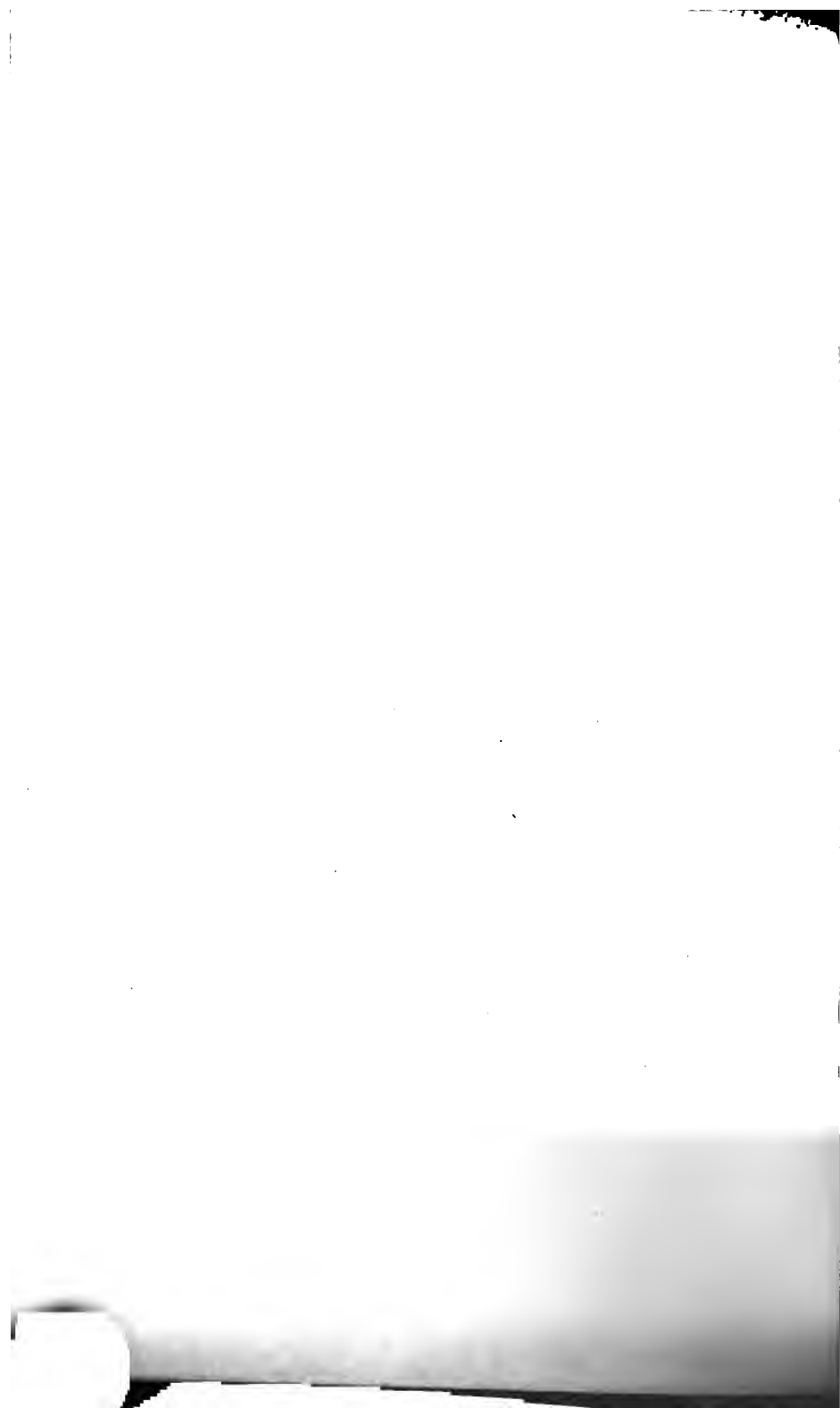
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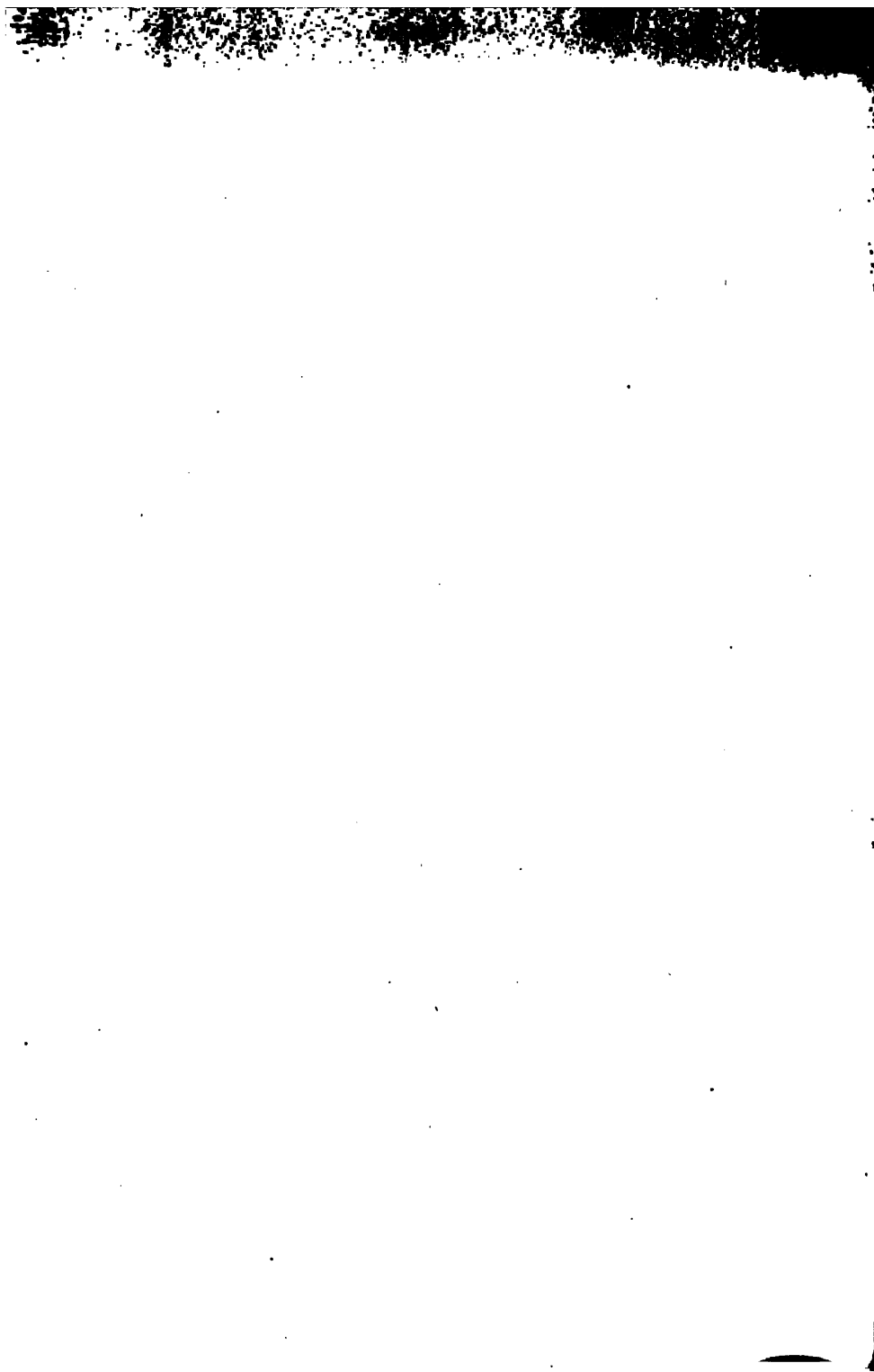
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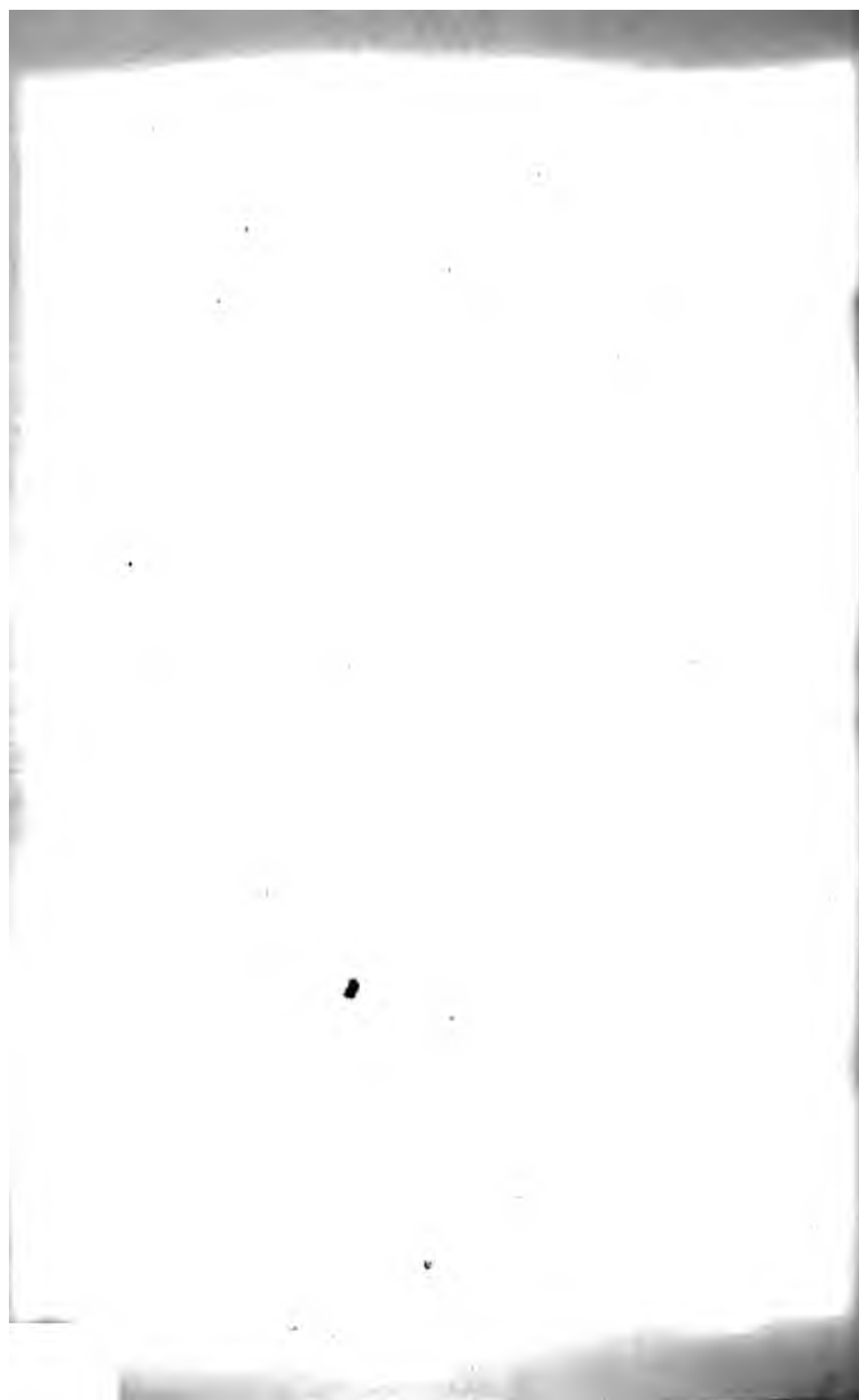
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